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## **GUAM LAND USE COMMISSION REGULAR MEETING MINUTES**



Department of Land Management Conference Room ITC Building, Tamuning



Thursday, February 8, 2018 1:41 p.m. to 5:10 p.m.

### GUAM/HYBRID LAND USE COMMISSION

#### Regular Meeting Thursday, February 8, 2018

#### Department of Land Management Conference Room 3rd Floor ITC Building, Tamuning

#### MEMBERS PRESENT:

Mr. John Z. Arroyo, Chairman

Mr. Victor F. Cruz, Vice Chairman

Ms. Conchita D. Bathan, Commissioner

Mr. Tae S. Oh, Commissioner

Mr. Hardy T. Vy, Commissioner

Mr. Michael Borja, Executive Secretary

Mr. Nicolas Toft, Legal Counsel

#### PLANNING STAFF PRESENT:

Mr. Marvin Aguilar, Guam Chief Planner

Mr. Frank Taitano, Case Planner

Ms. Celine Cruz, Case Planner

Ms. Grace Vergara, Planning Staff

Ms. Cristina Gutierrez, Recording Secretary

# GUAM LAND USE COMMISSION GUAM SEASHORE PROTECTION COMMISSION Attendance Sheet

Department of Land Management Conference Room 590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning

Date of Meeting: Time of Meeting:	Thursday, February 8, 2018  GLUC:   41 fm GSPC:	X	GLUC Regular Special Quorum No-Quorum	GSPC Regular Special Quorum No-Quorum
COMMISSION MEN	IBERS		SIGNATURE	
Chairman John Z.	Arroyo		MX	
Vice Chairman Vict	tor F. Cruz	C	E.	
Commissioner Cor	nchita D. Bathan	car	ate	
Commissioner Tae	S. Oh			
Commissioner Har	dy T.I. Vy	13		
STAFF		7		
Michael J.B. Borja,	Executive Secretary	MBy	•	
Nicolas E. Toft, Leg	jal Counsel (OAG)	0.		(Sate)
Marvin Q. Aguilar, (	Chief Planner	Jun		
Frank Taitano, Plan	ner IV	Frank	Jaita	70
Penmer Gulac, Plar	nner IV		/	
Celine Cruz, Planne	er IV	anny		S
M. Cristina Gutierre	z, WPS II	magazine	7	
M. Grace Verga	ra e	changen	~	
ADJOURNMENT:	GLUC: 5:19pm GSPC:			

## GUAM LAND USE COMMISSION GUAM SEASHORE PROTECTION COMMISSION

### **Public Attendance Record**

Location: Department of Land Management Conference Room 590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning

X GLUC	X Regular Date: Thursday, Februar	ry 8, 2018
HLUC	Special Time: 1:417	
Quorum	No Quorum Adjournment: 5:10	m
PLEASE PRINT NAME CLEARLY	APPLICATION NAME AND/OR NUMBER	Telephone No.
Kily Bulleto	FEB.	
Reche San	PCD	
ALO CRUSTOMO	1/Cld	
Neil Erni	FEB VIIII	
Neil Erni MANK JONGE	RBI VILLAME	
1412-16 OCHUP	1001 1111-4012	
GLUC Form 21 - GLUC Public Attendance I	Record Form - APRII 2010	

## GUAM LAND USE COMMISSION GUAM SEASHORE PROTECTION COMMISSION

Speaker's Sign-In Record

Location: Department of Land Management Conference Room 590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning

X GLUC	X Regular Date: Thursday, Febr	uary 8, 2018		
HLUC	Special Time: 1:41 pm			
Quorum	No Quorum Adjournment: 5:	10 pm		
(THIS RECORD WILL BE USED IN THE TRANSCRIPTION OF THE GLUC/GSPC MINUTES. PLEASE PROVIDE YOUR FULL NAME AND WHO YOU REPRESENT, I.E., ITEM ON AGENDA.)				
PLEASE PRINT NAME CLEARLY	APPLICATION NAME AND/OR NUMBER	Telephone No.		
Gnacio Sentos	2017-44	7773862		
DAN SWAVELY	LPR/JAXA & RB) VILLAGE	1888-8884		
MARY Guttern	#2017-12	4825215		
SUSAIN IA RUSA		456-1515		
Krehnd Sane	Jong Ja Oh	687-9865		
ICI KO CICUSTONI	1-FC13	0.00 2555		
GALEY TAN	2017-44	898 3777		
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GLUC Form 20 - GLUC Speaker Log Recor	d Form - APRIL 2010			

## GUAM LAND USE COMMISSION REGULAR MEETING MINUTES Department of Land Management Conference Room, 3<sup>rd</sup> Floor, ITC Bldg., Tamuning Thursday, February 8, 2018 • 1:41 p.m. to 5:10 p.m.

#### I. Attendance

Chairman Arroyo called the regular meeting of the Guam Land Use Commission for Thursday, February 8, 2018 to order at 1:41 p.m., noting a quorum.

Present were: Chairman John Arroyo, Vice Chairman Victor Cruz, Commissioner Conchita Bathan, Commissioner Tae Oh, Commissioner Hardy Vy, Executive Secretary Michael Borja, Legal Counsel Nick Toft, Guam Chief Planner Marvin Aguilar, Planning Staff Frank Taitano, Penmer Gulac, Celine Cruz, Grace Vergara and Recording Secretary Cristina Gutierrez

#### II. Approval of Minutes

<u>Chairman Arroyo</u> first order of business is the approval of the meeting minutes. Commissioners have had an opportunity review/read the Minutes, Chairman Arroyo entertained a motion to approve.

<u>Commissioner Bathan</u> made a motion to approve GLUC regular meeting Minutes of January 25, 2018; subject to corrections of minor edits to be submitted to the Recording Secretary by close of business today.

Commissioner Oh seconds the motion.

<u>Chairman Arroyo</u> motion made by Commissioner Bathan, seconded by Commissioner Oh. There being no discussion noted, Chairman Arroyo put the motion to a vote. All in favor of the motion please say "aye" [Chairman Arroyo, Vice Chair Cruz, Commissioners Bathan, Oh and Vy], all opposed say "nay." [Motion passed; 5 ayes, 0 nay]

<u>Michael Borja (Executive Secretary)</u> inquired how the approval of the hybrid commission minutes of January 25, 2018 will be handled. Mr. Borja also brought up that at the next GLUC meeting there will be a new set of hybrid commissioners.

<u>Chairman Arroyo</u> suggested that the Commission waits for Legal Counsel and ask for his opinion.

<u>Chairman Arroyo</u> asked of the Commissioners if they would like to make any changes on the order of business on today's agenda.

<u>Vice Chairman Cruz</u> suggested Item V- Administrative & Miscellaneous Matters be moved to the top of the agenda.

[There were no objections noted from the Commissioners]

#### V. <u>Administrative and Miscellaneous Matters</u>

#### **Conditional Use Renewal**

E. <u>Application No. 2000-12B</u>, Reliable Builders, Inc. represented by Daniel D. Swavely; requests renewal of a previously approved Conditional Use permit for its temporary workforce housing facility, on Lot 5160-6-3 (Harmon), in the Municipality of Tamuning. Case Planner: Frank Taitano

Marvin Aquilar reads staff report to include purpose, facts, staff analysis/discussion, recommendation and conditions. [For full content/context, please see attached report]

[Attachment E – Staff Report dated January 12, 2018]

<u>Chairman Arroyo</u> questions for staff. [None noted from the Commissioners]

<u>Daniel Swavely</u> Reliable Builders and his other clients with similar facilities want to make sure that they keep the workers' housing approved and intact in hopes that there will be a resolution to the H-2B visa problem. Mr. Swavely also reports that there are no H-2 workers currently staying at the facility, and asked for the Commission's approval to renew the request.

Chairman Arroyo questions for staff.

<u>Commissioner Bathan</u> notes that in in enclosure 2 – Position License to practice that the attached license for Yong Hae Chan (sp?) expired in December 2017.

<u>Daniel Swavely</u> he was also aware of the expiration of the license and explained that the application process began since September/October 2017; but, did not update the application. Mr. Swavely added that he will submit a renewed license for file.

[No additional comments and/or questions noted for staff and Mr. Swavely, Chairman Arroyo was ready to entertain a motion.]

<u>Vice Chairman Cruz</u> makes a motion to approve the applicant's request to renew its conditional use permit subject to the conditions as noted in Chief Planner's Staff Report (see Attachment E].

<u>Commissioner Bathan</u> seconds the motion.

<u>Chairman Arroyo</u> motion made by Vice Chairman Cruz, seconded by Commissioner Bathan. Discussion on the motion. [None noted] All in favor of the motion say "aye" [Chairman Arroyo, Vice Chairman Cruz, Commissioners Bathan, Oh, and Vy], all opposed say "nay."

[Motion passed; 5 ayes, 0 nay.]

#### **Technical Amendment**

F. Applicant, Leo Palace Resort; requests for a Technical Amendment to the Leo Palace Resort's Master Plan to accommodate the continued operation and upgrade of the JAXA Guam Downrange Tracking Station by SKY Properties Corporation, on a Portion of Tract 2511, in the Municipality of Yona. Case Planner: Frank Taitano

Frank Taitano reads the Commission Brief (for full content/context, see attached report)

[Attachment F - Commission Brief dated January 8, 2018]

<u>Chairman Arroyo</u> questions of staff. [None noted]

<u>Dan Swavely</u> gave a brief presentation to the Commission to include the history, existing operation and its lapse in the time for missing the 2003 renewal, and what the new activities will be.

- This activity was originally approved as a Zone Change in a "PDD" and this was how the Commission approved these types of requests; however, they are now handled as technical amendments with the Chief Planner's authority to determine how much of a technical amendment should mimic a Zone Change. This type of technical amendment has been twice granted by the Commission in the last six months; recently, the Commission approved in November the antenna for ARINC. Since then, the Commission has approved two other technical amendments for the Leo Palace resort's operations to include a new parking lot for the hotel and a new top-dressing and bunker sand storage area.
- In 2001, this lessee of the property where the downrange tracking facility is located got a zone change from the Commission's predecessor to engage in that operation for twelve years, and nothing has changed since. They are the tracking station for the current technology for launching of rockets used for satellites and other types of space exploration.
- Mr. Swavely extended the applicant's apologies to the Commission for the lapse in the timeline that occurred after 2013. This change in technology in Japan's launch vehicles, which are now called H-3 rocket, takes on new telemetry, antennas and receivers and upgrades have to be made to the existing site. There will be no change in the footprint of the existing 1.3 acres; no change to the utility use; and, no change in personal.
- The request is to extend this technical amendment, temporarily, and asking for 20-years to the Leo Palace Resort's PDD Master Plan. [Note: 20-years is needed because that is the state of technology for the new equipment coming in.]

<u>Chairman Arroyo</u> the last approval was for a period of 12-years. What was the basis for the 12-year request.

Marvin Aguilar the 12-years came from the original approval in order for them to operate the facility.

<u>Frank Taitano</u> further explained that the 12-years was at the request of the applicant, and it had to do something with the life-span and technology at that time. As Mr. Swavely explained, the lifespan of the new upgrade is for 20-years.

<u>Chairman Arroyo</u> the 20-years would be for the new technology. [Mr. Swavely responds, "for the new telemetry technology."] Chairman Arroyo asked if the Commission would have to retroactively go back and approve the zone change or technical amendment back to 2013.

Frank Taitano explained that this is a new application for a technical amendment.

<u>Chairman Arroyo</u> since the applicant did not get approval to renew back in 2013 they are basically operating in violation. So, does the Commission have to make that right by retroactively approving that.

<u>Marvin Aguilar</u> advised that it was based on the timeline on the viability of the technology and this is being projected for 20-years. The advantage of placing a timeline is that you don't want to tie-down the original PDD if it is approved for a golf resort facility to this specific use.

<u>Dan Swavely</u> the application was approved in 2001; built and began operating in 2002. It will be 16-years already with this technology. The H-2 rocket will come in place in 2020; so, the old technology will be used for 18-years.

Mr. Swavely explains that the old technology expired in 2013, and so there is almost a five (5) year lapse if actual dates are used. The gap does not need to be covered by any approval, but the Commission may.

<u>Chairman Arroyo</u> explains that the Commission needs to make sure the record is clean. This would basically a 25-year approval from 2013 to 2025.

<u>Dan Swavely</u> corrected the expiration to 2037. 2017 which was the effective date plus 20 years goes to 2037. If the Commission wants to add on the four years that was missed that would be a total of 24-years. It would be 25-years less if you go back 5 years, go forward 20; and, this will take you to 2012 to 2037.

Commissioner Bathan has the applicant comply with all the conditions of the Notice of Action.

Marvin Aguilar yes.

<u>Commissioner Oh</u> since the initial approval in 2001 and operational by 2002; following that initial installation, has there been any upgrades to the infrastructure, equipment upgrades.

<u>Dan Swavely</u> responded that the only upgrade was software, but basically doing the same thing. The plan is to upgrade the facility now to monitor the launch in 2020.

Commissioner Oh was there a reason for the Notice of Action's expiration in 2013.

<u>Dan Swavely</u> the applicant has characterized it as a lapse in timeline. Shortly after the first JAXA agency was approved there were three other agencies, and may have been paperwork issue.

<u>Commissioner Oh</u> trying to understand the logic and reasoning behind the initial 12-year term. Was this because of the lifespan of the equipment.

<u>Dan Swavely</u> that was the expectation at that time for the lifespan of using the technology for the H-2A and H-2B launch vehicles.

<u>Chairman Arroyo</u> inline with Commissioner Oh's question, Leo Palace, within the next 20 years does not have a need for this property that is being leased.

<u>Dan Swavely</u> responded that they think not, and if records of use is reviewed for the sports facilities it is minimal.

<u>Chairman Arroyo</u> noted there were no additional questions of staff or Mr. Swavely, Chairman Arroyo asked for a motion on the request.

<u>Commissioner Oh</u> makes a motion to approve the technical amendment for Leo Palace Resort's Master Plan to accommodate the continued operation and upgrade of the JAXA Guam Downrange Tracking station by SKY Properties Corporation, on a portion of Tract 2511, in Yona; subject to the following conditions:

- 1. The extension of the Master Plan shall be for a period of 25-years starting from the original expiration date of the Notice of Action on June 14, 2013; and,
- 2. Applicant to adhere to all conditions as noted in the original approved Notice of Action.

<u>Chairman Arroyo</u> the motion is to approve the technical amendment to the Leo Palace PDD with the condition that the request expires in 25 years beginning June 14, 2013 and that the conditions applicable to the original approval remain in full force and effect.

Commissioner Bathan seconds the motion.

<u>Chairman Arroyo</u> seconded by Commissioner Bathan. Any discussion on the motion [None]. On the motion, all in favor say "aye" [Chairman Arroyo, Vice Chairman Cruz, Commissioners Oh, Bathan and Vy], all opposed say "nay." [Motion passed; 5 ayes, 0 nay]

#### III. Old or Unfinished Business

#### **Zone Change**

A. <u>Application No. 2017-12</u> Applicants, Rosalina E. Werkkunen and Leonora E. McGeough represented by Harry D. Gutierrez, Zone Change from "A" (Rural) to "C" (Commercial) zone, on Lots 1-3-R1 and 1-2, Tract 1141, in the Municipality of Dededo. [Continuation – GLUC Hearing of November 28, 2017] Case Planner: Penmer Gulac

Commissioner Bathan asked if there was a photo of the Notice to Rezone billboard.

<u>Chairman Arroyo</u> called for a 10-minute recess.

[Commission recessed at 2:20 p.m. and reconvened at 2:30 p.m.]

Chairman Arroyo Mr. Gutierrez was advised that there was an issue with the billboard notice. Section 61633 specifically states that the time, date and location of the GLUC hearing be displayed on the billboard. The photo provided to the Commission notes the date and location but no time. The law is specific on what the Commission can and cannot do; and since the sign does not conform to the law, the review of this application cannot continue today. Mr. Gutierrez was asked to provide the appropriate information on the sign, and will be scheduled for the next available GLUC hearing date.

#### IV. New Business

#### **PDD Amendment**

B. Application No. 2017-26 Applicant, Yong Ja Oh represented by FC Benavente, Planners; amendment request to a previously approved Planned District Development (PDD) to allow commercial development on Lot 27NEW, Block 2, Tract 240, in the Municipality of Dededo. Case Planner: Penmer Gulac

<u>Commissioner Oh</u> mentioned to the Chairman that this is a family property and asked to be recused.

Chairman Arroyo takes note that Commissioner Oh is recusing himself due to conflict of interest.

Commissioner Bathan is this project less than the 3-million-dollar threshold.

<u>Marvin Aquilar</u> the three-million-dollar threshold does not apply to zone changes and/or amendments to a PDD. For applications such as this construction costs are not looked at, it just the concept of changing the zoning designation.

<u>Penmer Gulac</u> summarizes the staff report to include purpose, facts, public hearing results, staff analysis, discussion, recommendation. [For full content/context, see attached report]

[Attachment B – Staff Report dated January 31, 2018]

<u>Chairman Arroyo</u> notes for the record receipt of Resolution 2017-10 from the Dededo Municipal Planning Council; approving and supporting the applicant's request. [Exhibit 1 – Dededo MPC Resolution 2017-10]

Seeing no questions for staff, Chairman Arroyo opened the floor to the applicant's representative.

<u>Richard Sana</u> (representing Mr. Yong Ja Oh) gives a brief presentation on the applicant's request to amend its existing PDD to allow commercial uses on the subject property. Mr. Sana stated that he had nothing further to add to the staff report.

- The application had favorable reviews from the members of the Application Review Committee. A presentation was also conducted before the Dededo MPC who has endorsed this application as evident in the resolution that was provided by the MPC.
- Noted one objection at the public hearing; however, other residents who attended were in favor of the conceptual plan of the application.
- As seen in the layout, there are two buildings; the first building consists of five (5) commercial spaces with a square footage of 5,000 per space, and the second building has a larger footprint. The commercial building will not specifically a convenience store, but more of shopping outlets to include possibly a beauty shop and banking institution.

<u>Chairman Arroyo</u> is the entrance into the property off of Y-Sengsong Road; will there be an entrance from Route 3.

<u>Richard Sana</u> as of right now off of Y-Sengsong Road, and in the future access from Route 3. Mr. Sana added that they have been in communication with the Military who is requesting that they be provided a proposed drawing on how it will be accessed and what type of structure that will go over the pipeline. It is understood that if the military needs access to the pipeline, the structure can be removed.

<u>Chairman Arroyo</u> is there any special approval so that the access can go through the buffer zone on YSengsong Road.

Richard Sana the property line abuts YSengsong Road.

<u>Chairman Arroyo</u> there is a 20-foot wide buffer zone between the property line and the road; is it okay to build across that.

<u>Marvin Aquilar</u> responds "no." Mr. Aguilar added that at one point Planning thought that this buffer was for the expansion of the road. It was Mr. Aguilar's belief that the buffers were put in place because the properties that are along YSengsong (with exception of the fire station, church and the community center) needed space between the road itself and the residential development along the roadway.

Chairman Arroyo will the applicant need special permission to go over the buffer zone.

Marvin Aguilar it would be more of a DPW matter.

[Discussion ensues]

<u>Vice Chairman Cruz</u> asked why the sliver portion of the lot is on the map.

Richard Sana explained that it could have been a mapping error. It seemed that this road when it was all individual lots at one time was an access to one of the lots on the northern rear portion. Instead of a dashed-line a solid line was used and became a separate lot.

[Lengthy discussion ensues on Lot 31 which is not part of the subject lot, owned by the Government.]

Vice Chairman Cruz once the development is done it looks like they actually own the property.

Richard Sana the owner proposes to acquire this lot in the future; the property does not serve anybody but the property owner. The sliver of property will be considered as green space until it is acquired by Mr. Oh. Mr. Sana further states that they will comply with all conditions stated on ARC agencies' position statement. The first phase is to get the PDD amended and then proceed with permitting process.

#### [Discussion ensues]

Vice Chairman Cruz will the government sell this sliver of property to the applicant.

Michael Borja yes, but will have to be done by legislation.

<u>Vice Chairman Cruz</u> reiterates that the conceptual drawing is wrong. The drawing shows as one entire lot to include the slivered property.

Richard Sana this is a conceptual plan and can change.

<u>Chairman Arroyo</u> the conceptual drawing includes the slivered property, assuming that you will be able to purchase the property.

Richard Sana yes, if this request for PDD amendment is approved.

<u>Chairman Arroyo</u> there were no additional comments and/or questions from the Commission, Chairman Arroyo opened for public comment.

Public Comment [Seeing none, public comment period was closed by Chairman Arroyo]

<u>Commissioner Bathan</u> there was one opposition received for this application. This property owner indicated that her property is within the 500-foot radius. What is the property owner's lot number.

<u>Marvin Aguilar</u> the landowner mentions that she is within the 500-foot number, but does not state her lot description.

<u>Commissioner Bathan</u> can limited commercial be considered to address the Dededo MPC's concern on adult type entertainment or related type businesses from operating. Although the consultant indicated that this type of business will not be allowed, Commissioner Bathan suggested limited commercial be considered.

<u>Richard Sana</u> what is the actual regulation on the sale of alcohol in proximity of schools, churches, etc.

Marvin Aguilar 500-feet from entrance to entrance.

<u>Richard Sana</u> the physical location of the store that is allowed to sell liquor to the actual building of a school and/or church.

[Discussion ensues]

<u>Chairman Arroyo</u> from the way the resolution reads, it is not so much as a concern that it is within the 500-foot distance from a church or school. It appears that the MPC does not want adult entertainment on the property regardless. Commissioner Bathan recommended that the Commission looks at a limited commercial zone change; it would be limited to the types of businesses and/or operations that the owner would want on the property.

<u>Marvin Aguilar</u> this is an amendment for the land use within a PDD, and it can be conditioned. The request is for an amendment to a previously approved PDD.

Mr. Aguilar states that the whole concept of a PDD is to bring two or three different types of land uses within one large land mass. The operative term is make the businesses work together harmoniously or co-exist.

<u>Richard Sana</u> the big lot that is being consolidated with the other lot is already zoned commercial. A PUD allows different types of uses to include residential, commercial, etc.

<u>Chairman Arroyo</u> one of the lots in the consolidation was commercial, what were the other lots zoned.

Richard Sana residential.

<u>Chairman Arroyo</u> you are before the Commission to ask to amend this rezoned lot. Chairman Arroyo asked the question as to whether or not this will automatically rezone all the other lots that are not commercial to commercial or will the applicant have to come to the Commission to amend it and this new lot become completely commercial as opposed to split-zone.

Richard Sana we are coming in as a whole lot.

<u>Chairman Arroyo</u> the amendment request is to rezone the whole lot commercial. What happened in the past, up until today, does not impact the Commission's decision today. The Commission can look at carrying forward at the applicant's request for commercial; but, set conditions on the approval.

<u>Marvin Aguilar</u> this application is for Lot 27NEW, consolidated lot. The Commission is amending the PDD to allow commercial use in the new consolidated lot.

<u>Commissioner Bathan</u> as long as the Commission can place conditions on the PDD amendment and that the concerns of the Dededo MPC is addressed.

Chairman Arroyo what the Commission is talking about is bars, game rooms, etc.

[Commission recessed at 3:15 p.m. and reconvened at 3:30 p.m.]

<u>Chairman Arroyo</u> reconvened the meeting. Are there any other questions of the applicant before the Commission moves forward with a vote. [None noted] I am ready to entertain a motion.

Commissioner Bathan Mr. Chairman, I would like to recommend approval to amend an existing PDD (Planning District Development) to include limited commercial uses on Lot 27NEW, Block 2, Tract 240 in the municipality of Dededo, under Application No. 2017-26; with the condition that any commercial activity shall not impede on the quiet enjoyment of the surrounding community. Restricted business activities may include, but limited to, adult entertainment, activities engaged solely in the business of on-site sale of alcohol such as bars and game rooms.

Chairman Arroyo motion has been made by Commissioner Bathan. Is there a second.

Commissioner Vy seconds the motion.

Chairman Arroyo seconded by Commissioner Vy. Discussion on the motion.

Vice Chairman Cruz clarified if this would be limited commercial.

Commissioner Bathan limited commercial uses.

<u>Chairman Arroyo</u> on the motion say "aye" [Chairman Arroyo, Vice Chairman Cruz, Commissioner Bathan, Commissioner Vy], all opposed say "nay."

[Motion passed; 4 ayes, 0 nay, 1 recused]

Chairman Arroyo next item on the agenda -

#### **Zone Variance**

C. <u>Application No. 2017-06</u> Applicants, Virgilio and Susan La Rosa; Zone Variance for Use for a proposed mini-canteen/eatery and catering services on a portion of an existing residential structure, on Lot 4, Block 15, in the Municipality of Dededo, in an "R-1" (Single Family Dwelling) zone. Case Planner: Penmer Gulac

<u>Penmer Gulac</u> summarized the staff report to include purpose, facts, public hearing results, staff analysis/discussion, recommendation and conditions. [For full content/context refer to attached report.]

[Attachment C - Staff report dated January 24, 2018]

<u>Marvin Aguilar</u> reads for the record a letter of objection was received from Rose Borja Clark dated January 10, 2018 which was received this afternoon. [Exhibit 2]

Michael Borja where is the location of Ms. Clark's home in relation to the proposed project site.

Marvin Aguilar three house lots from the La Rosas. She is closer to Onedera Store.

Chairman Arroyo questions for staff.

<u>Commissioner Bathan</u> how large is the canteen mentioned in the application because it is also proposed for in-dining service.

Marvin Aguilar that proposed use was removed.

<u>Chairman Arroyo</u> had concerns on the responses on the issues regarding hardship, exceptional circumstances. The issues that need to be addressed that gives the Commission guidance on whether or not their request for Zone Variance for Use is warranted.

No additional questioned noted for staff, Chairman Arroyo opened the floor to the applicants.

<u>Susan LaRosa</u> (with Virgilio LaRosa, husband and her son Timothy John LaRosa) Mrs. LaRosa states that they are before the Commission to ask for consideration to have a small business on a small portion of their residence. They were the former owners of Joy's Restaurant located at the Compadres Mall for nine years. And recently, they sold the restaurant due to their current health conditions, and again asked for the Commission's consideration.

Chairman Arroyo questions.

Vice Chairman Cruz you closed Joy's Restaurant and is no longer being operated.

Susan LaRosa the restaurant is sold and under new management.

Commissioner Oh are you currently operating at this time.

Susan LaRosa catering services out of their residence only.

Commissioner Oh just catering, but want to add a take-out area.

Susan LaRosa yes, with the Commission's approval.

<u>Chairman Arroyo</u> states that there are specific reasons that need to be addressed that allows the Commission to consider the request for Use Zone Variance. Answers were provided to the issues, but did not quite understand how the applicants' circumstances sets them apart from the general intent of the law; whether or not what the applicant is asking to do is different from the master plan for the area because the proposal is to place an eatery right in the middle of a residential area. One of the applicant's response to one of the issues was that there are apartment buildings and other commercial businesses within the area; and if the Commission

does not allow the applicant to do what is being requested, it will cause them hardship. Chairman Arroyo could not see how this would be considered hardship for the applicants. Another point noted on the application was, allowing this variance complies in part within an "R-1" and it was not further explained; detrimental affect on the public and the surrounding neighborhood was also not well justified; what the applicants are asking for the variance would be contrary to the master plan was also not addressed.

[Mrs. LaRosa was not able to respond to Chairman Arroyo's queries.]

<u>Chairman Arroyo</u> suggested that the application be set aside for the time being to allow the applicants additional time to provide sound justification on the issues that he had brought up. Chairman Arroyo applauds the applicants for putting the application together with no representation; this is a difficult process to go through, and gave the applicants credit for doing it on their own.

<u>Vice Chairman Cruz</u> asked Mrs. LaRosa if it was their intent to continue to operate their business out of their residence because of their current medical conditions.

<u>Susan LaRosa</u> explained that their medical issues was one reason and the other reason was also due to the cost of the rent. She added that their son is currently going to culinary school so that he can continue to run the family's business at their home.

[Discussion ensues on how the catering service and eatery will be operated.]

<u>Chairman Arroyo</u> it was the order of Chairman Arroyo that this application be continued until the applicants have had enough time to provide additional justification on their request.

<u>Commissioner Oh</u> understands the applicants' justification for hardship; but, believed that what the Chairman was trying to convey was that their personal situation for hardship is not the type of hardship the Commission is looking for. The Commission is looking for hardship when it comes to the property.

<u>Vice Chairman Cruz</u> asked that the LaRosas work with their Case Planner to come up with justification to answer the Commission's issues.

Chairman Arroyo next item on the agenda -

#### Tentative Subdivision

D. <u>Application No. 2017-44</u> Applicant Jupiter Juno Co., Ltd. represented by lke F. Santos; request for a Tentative Subdivision for thirty-one single-family dwelling units with full improvements, on Lot 5-R4, in the Municipality of Agat, in an "R-2" (Multi-Family Dwelling) zone, under Application No. 2017-44. Case Planner: Celine Cruz

Chairman Arroyo this application calls for infrastructure.

Marvin Aquilar yes.

Chairman Arroyo does the cost of the infrastructure is over the three-million dollar threshold.

Marvin Aguilar no, it does not.

<u>Celine Cruz</u> the installation of the infrastructure will not exceed three-million dollars. Ms. Cruz proceeds with the reading of the staff report to include purpose, facts, staff analysis/discussion, recommendation and conditions. [For full content/context, see attached report]

[Attachment D – Staff Report dated January 31, 2018]

<u>Michael Boria</u> in reference to the survey map provided in the application, what was the dotted line cutting across the lot with arrows pointing towards the left. Is there a river running through the lot.

Marvin Aquilar it is a creek.

Michael Borja active, flows, heavy during rain.

<u>Marvin Aguilar</u> only active during rainy season. The applicant is already engaged with the Department of Parks and Recreation and Public Works with regards to addressing the on-site water-way; avoidance.

Michael Borja is there a requirement for Army Corps of Engineers.

Chairman Arroyo it appears that they are putting a drainage pipe.

<u>Celine Cruz</u> the applicant's representative has been coordinating with appropriate agencies, and has an explanation for what has been done, and that can be seen in supplemental information that was submitted. The supplement is the new plans based on comments made by the ARC agencies' input. And as you can see, there was a shift in the configuration of the roadway based on ARC's input.

<u>Chairman Arroyo</u> any additional questions for staff. [None noted] Chairman Arroyo opened the floor to the applicant's representative.

<u>Ike Santos</u> (representing Jupiter Juno, with Jae Kim, Contractor) Mr. Santos states that they agree with the conditions that is being imposed by Planning staff.

- Eefore proceeding with the design of the subdivision, they approached EPA because of the wet/dry creek; dry during the summer and wet during rainy days. EPA allowed them to install a drainage, but not to continue all the way out [refers to the drawing] and granted based on the topo-map.
- A park was created on this side of the lot, took house lots away and provided ponding areas.
- There is a setback between drainages and the ponding area. BSP asked that there be separation between the ponding area and the natural drainage.

- > This portion (refers to the map) is not part of the subdivision, but there are plans to improve this subdivision to add circulation and flow in the area. This is an added addition for the community.
- The road will be developed to provide circulation; fully improved with paved roads, power, water, sewer, streetlights.

<u>Michael Borja</u> to the left of the diagram, there is a road that goes over the creek, a major road to the end; why does the road continue on and how will the road go over the creek.

<u>Ike Santos</u> drainage pipes that will be installed under; concrete to keep the soil from eroding down into the creek, similar to a culvert, but with a head to keep the soil from rolling into the creek. Mr. Santos explains that this is a natural drainage, and developed over the years.

Vice Chairman Cruz what is the size of pipe that will be used.

Ike Santos 4-feet in diameter.

Commissioner Oh this will be buried, underground. If you look at the path of the drainage ....

Jae Kim there will be no structure on top of the pipes.

Commissioner Oh the pipe will be on private property.

<u>Vice Chairman Cruz</u> whoever owns Lot 10 will own the panhandle. It will go through the landowner's property.

Ike Santos yes.

<u>Commissioner Oh</u> there is a way to resolve the issue. The panhandle can be resolved by putting a public easement going into the area, and keep it public. Mr. Cruz's concern is that it is on private property.

[Discussion ensues on potential water run-off that could occur from heavy rain pour, drainage, roads, access, recreational park]]

Vice Chairman Cruz his concern was the area located at the top left corner.

<u>Ike Santos</u> plans have been changed several times because of input from the various government agencies.

Marvin Aguilar for the record, was the changes as a result from your consultation with EPA.

Ike Santos yes.

Chairman Arroyo will approval be needed from the Army Corps of Engineer or only from EPA.

<u>Ike Santos</u> will approach the Army Corps of Engineers and present them with this plan; but, EPA has given their approval on the proposed plan to this point.

<u>Marvin Aguilar</u> Army Corps of Engineer engage in development when it involves of waters of the U.S. This creek is wet when it rains and dry when it does not rain.

<u>Ike Santos</u> this application will have to return for a final subdivision. Mr. Santos states that he will work with the Army Corps of Engineer, and will comply with their recommendation.

Vice Chairman Cruz reiterates that his concerns are on the lots where the creek runs through.

<u>Jae Kim</u> there is still room in the proposed area, and will make it a utility easement. [Unable to decipher Mr. Kim's comments.]

[Discussion ensues on the creek runoff]

Chairman Arroyo will there be a homeowners' association.

<u>ike Santos</u> they are still in planning stage, and was unsure about a homeowners' association at this time.

<u>Commissioner Oh</u> assuming that the 4-foot diameter, head-wall, end-wall has been coordinated with EPA.

Ike Santos yes.

Commissioner Oh will this be a gated community.

Ike Santos it will not be a gated community.

Commissioner Vy does the pipe have to be winding.

Ike Santos that is the natural flow.

<u>Chairman Arroyo</u> there being no additional question of the applicant, Chairman Arroyo opened the floor for public comments.

<u>Public Comments</u> [seeing none, Chairman Arroyo closed the public comment period]

<u>Chairman Arroyo</u> anything else before a decision is made. Any questions or comments. [None]

<u>Marvin Aguilar</u> based on the conversation/dialogue established today, additional conditions may also be recommended. An additional condition would be that this tentative subdivision plan is only for infrastructure, and should not include the placement of the homes as depicted in the plan or revised plan.

<u>Commissioner Bathan</u> can the lots be subdivided.

<u>Marvin Aguilar</u> properties can be subdivided. The revision shows that they've taken lots and dedicated certain lots for the ponding basin.

<u>Chairman Arroyo</u> the additional condition is that the Commission is only approving for infrastructure, and should not be concerned with the footprint of any structures on the lots, and that they should go through the process and discover that structures cannot be built on certain lots then that would be part of the conditions.

<u>Commissioner Bathan</u> if any structures within the lot has setback issues, they will need to request for setback variances.

<u>Ike Santos</u> once the sidewalks, streets and all infrastructure has been put in, the next phase will be the final approval of the house lots with boundaries. Mr. Santos added that he had no objection to the Chief Planner's additional condition.

[Discussion ensues]

<u>Chairman Arroyo</u> there were no additional questions and/or comments noted, Chairman Arroyo was ready to entertain a motion.

<u>Commissioner Oh</u> other than the conditions as stated in the staff report there was an additional condition made by staff.

<u>Marvin Aguilar</u> this tentative subdivision plan is only for infrastructure, and provide documentation of an Army Corps of Engineers' determination of federal requirements.

<u>Commissioner Oh</u> I move to approve the request for a Tentative Subdivision from the applicant, Jupiter Juno Co., Ltd. represented by Ignacio Santos for 31-single family dwelling units with full improvements on Lot 5-R4, in the municipality of Agat, in an "R-2" (Multi Family Dwelling) zone under Application No. 2017-44, subject to the following conditions:

- Applicant must work with Department of Public Works to provide adequate road widths to facilitate safe and efficient egress/ingress to and from the subdivision. Such coordination must include input from the Guam Chief Planner;
- b) Applicant shall provide adequate full improvement infrastructure to address intended residential use. This shall be vetted and approved by pertinent government entities and as required pursuant to Title 21GCA, Chapter 62, section 62401 at the time of approval of this request and Title 21GCA Chapter 62, section 62402 at the time the applicant requests for approval of a final subdivision;
- c) Plans prepared for final subdivision approval shall contain elements of surface water runoff containment as recommended by BSP. The applicant and/or his agent responsible for site development must coordinate and consult with BSP on designs to achieve surface and storm water containment and the removal and/or discharge of such material with means to insure water quality thresholds are achieved prior to discharge. The applicant must also work with Guam EPA with respect to insuring said techniques or methodology for

- surface water runoff containment and water quality protection standards remain consistent with applicable regulatory requirements;
- d) This tentative subdivision plan shall be reviewed and approved by the Survey Division of the Department of Land Management within a timeline appropriate to allow for due diligence review pursuant to Title 21GCA, Chapter 60, Articles 5 8 prior to submitting a request for approval for a final subdivision plan,
- e) If approved, the requested tentative subdivision plan shall be for one year pursuant to Title 21GCA Chapter 60, section 62205, commencing on the date of approval. Within a reasonable time, the applicant may request for an extension of the one-year timeline prior to the determined to the one-year expiration date;
- f) Applicant shall provide documentation from the Army Corps of Engineer that a permit is not required prior to request of a final subdivision; and,
- g) This application shall only be infrastructure.

Commissioner Vy seconds the motion.

<u>Chairman Arroyo</u> motion is made by Commission Oh, seconded by Commissioner Vy. Discussion on the motion. [None noted] All in favor say "aye" [Chairman Arroyo, Vice Chairman Cruz, Commissioners Oh, Vy and Bathan], all opposed say "nay."

Motion passed; 5 ayes, 0 nay.

#### V. Administrative and Miscellaneous Matters

<u>Chairman Arroyo</u> is there any other business to discuss before the Commission adjourns.

<u>Michael Boria</u> advised the Commissioners that he spoke with Legal Counsel on how to handle the approval of the hybrid commission minutes from the January 25, 2018 meeting, and invite those specific commission of Mayors to show up and take a vote on the minutes because they do have to be recorded. Lastly, Mr. Borja introduced Ms. Grace Vergara, newly hired Planner for the Planning Division.

<u>Marvin Aguilar</u> has been in discussion with Mr. Toft the issue that was brought up regarding public notification of certain applications particularly with Mark Zhao. Mr. Aguilar shared with Mr. Toft a court case between Younex/Sablan case where the Court had determined that a notification of a variance is different from that of a conditional use or a zone change. Such is the case in this situation where Mr. Klitzkie had argued.

<u>Nick Toft</u> that application was for a zone change and will require the 500-foot radius notification of landowners; but, variances does not. If it's a variance notification is not required for the 500-foot radius landowners.

<u>Marvin Aguilar</u> based on the court decision the department does not have to notify landowners within the 500-foot radius; the billboard sign is sufficient, but we have continued to do so.

Michael Borja what does this mean for the application in Yigo.

Nick Toft Yigo will still have to because it is a zone change, YPao Road would not.

Chairman Arroyo has Mr. Yang been notified on this latest information.

Marvin Aguilar only communication with Mr. Yang's consultant, Dan Swavely.

<u>Commissioner Oh</u> the whole process will not have start from the beginning, just redo the public hearing.

Celine Cruz Mr. Klitzkie also brought up the issue of ownership; can an individual apply on behalf of a company, and there was no documentation within the application to explain all of that. What was discovered was that in the original submission of the application under the preliminary review it had all of those documents. But, when it went back to the consultant, and they made copies to include all of the other information that we have asked of them, these documents were not copied. Mr. Swavely has been informed that the process has to begin again starting with the ARC process.

<u>Michael Borja</u> Commissioners were informed that at 6:00 p.m. at the Guam Legislature is the public hearing for the rezoning of property that GPA is trying to acquire for the new power plant in Dededo. GPA decided to go through zone change through the Legislature rather than going through Land Management. Land Management's testimony will be that we prefer they be rezoned as a public facility; the Mayor's Council and the Dededo MPC have all concurred on "M-1" zoning.

[Discussion ensues]

Chairman Arroyo inquired on the status of the Pago Bay case.

Nick Toft the hearing today was continued to an indefinite date.

<u>Commissioner Bathan</u> is the applicant still obligated to report every six months to the Commission.

Marvin Aguilar yes; last reporting date was for November 2017.

[Discussion ensues on Pago Bay Resort status report; discussion on issuance of an Order to Show Cause; demolition bond issue.]

<u>Chairman Arroyo</u> commented that he received a letter from Don Sadhwani in reference to the industrial park subdivision that the Commission had previously approved. The one-year period had expired in September and he is requesting if the Commission would consider granting a one-year extension. Mr. Sadhwani's reason for not being able to request the extension is that he was off-island for medical treatment.

[Discussion ensues]

#### VI. Adjournment

Vice Chairman Cruz makes a motion to adjourn, seconded by Commissioner Oh; with all in favor.

The regular meeting of the Guam Land Use Commission for Thursday, February 8, 2018 was adjourned at 5:10 p.m.

Approved by:

Date approved:

John Z. Arroyo, Chairman Guam Land Use Commission 2/22/2018

Transcribed by:

M. Cristina Gutierrez, Recording Secretary

Planning Division

magitioner

### **GUAM LAND USE COMMISSION**



Chairman John Z. Arroyo Vice Chairman Victor F. Cruz Commissioner Conchita D. Bathan

Commissioner Tae S. Oh Commissioner Hardy T.I. Vy

Michael J.B. Borja, Executive Secretary Nicolas E. Toft, Legal Counsel (OAG)

## **AGENDA - Corrected**

## Regular Meeting Thursday, February 8, 2018 @ 1:30 p.m.

Department of Land Management Conference Room 590 S. Marine Corps Drive, 3<sup>rd</sup> Floor, ITC Building, Tamuning [As advertised in the Guam Daily Post on February 1st and February 6th, 2018]

	Manadian	-E A44	
I.	Notation	UI AU	enuance

[ ] Quorum

[ ] No Quorum

- II. Approval of Minutes
  - GLUC Regular Meeting of Thursday, January 25, 2018
- III. Old or Unfinished Business

#### **Zone Change**

- A. <u>Application No. 2017-12</u>, Applicants, Rosalina E. Werkkunen and Leonora E. McGeough represented by Harry D. Gutierrez; Zone Change request from "A" (Rural) to "C" (Commercial) zone, on Lots 1-3-R1 and 1-2, Tract 1141, in the Municipality of Dededo. Case Planner: Penmer Gulac [Continuation GLUC Hearing 11/28/2017]
- IV. New Business

#### **PDD Amendment**

B. Application No. 2017-26, Applicant, Yong Ja Oh represented by FC Benavente, Planners; request to amend a previously approved PDD (Planned District Development) to allow commercial development, on Lot 27NEW, Block 2, Tract 240, in the Municipality of Dededo. Case Planner: Penmer Gulac

#### **Zone Variance**

C. <u>Application No. 2017-06</u> Applicants, Virgilio and Susan La Rosa; Zone Variance for Use for a proposed mini-canteen/eatery and catering services with a portion of an existing residential structure, Lot 4, Block 15, in an "R-1" (Single Family Dwelling) zone, in the Municipality of Dededo.

Case Planner: Penmer Gulac

#### **Tentative Subdivision**

D. Application No. 2017-44, Applicant Jupiter Juno Co., Ltd represented by Ignacio F. Santos; request for a Tentative Subdivision for thirty-one (31) single-family dwelling units with full improvements, Lot 5-R4, in the Municipality of Agat, in an "R-2" (Multi Family Dwelling) zone, under Application No. 2017-44.

Case Planner: Celine Cruz

#### V. **Administrative & Miscellaneous Matters**

#### Conditional Use Renewal

Application No. 2000-12B, Applicant, Reliable Builders, Inc. represented by Daniel D. E. Swavely; requests renewal of a previously approved Conditional Use permit for its temporary workforce housing facility, on Lot 5160-6-3 (Harmon), in the Municipality of Tamuning. Case Planner: Frank Taitano

#### **Technical Amendment**

F. Applicant, Leo Palace Resort represented by Daniel D. Swavely; a request for technical amendment to the Leo Palace Resort's Master Plan to accommodate the continued operation and upgrade of the JAXA Guam Downrange Tracking Station by SKY Properties Corporation, on a portion Tract 2511, in the Municipality of Yona.

Case Planner: Frank Taitano

#### VI. **Adjournment**

#### ATTACHMENT A



DIPÅTTAMENTON MINANEHAN TÅNO' (Department of Land Management) GUBETNAMENTON GUÅHAN (Government of Guam)



MICHAEL J.B. BORJA Director

DAVID V. CAMACHO Deputy Director

Street Address: 590 S. Marine Corps Drive Suite 733 ITC Building Tamuning, GU 96913

> Mailing Address: P.O. Box 2950 Hagåtña, GU 96932

EDDIE BAZA CALVO Governor

RAY TENORIO Lieutenant Governor

January 31, 2018

**MEMORANDUM** 

TO:

Chairman and Commissioners, Guam Land Use Commission

FROM:

Guam Chief Planner

SUBJECT:

Supplemental Staff Report – Continuation for review, Ref, Application No. 2017-12, Zone Change, Lots 3-1-R1 & 1-2, Tract

1141, NCS, Dededo; GLUC Meeting of February 8, 2018



- 1. For Commission's review of above said application; reference revision of required Agricultural Impact Assessment (AIS) to support the zone change application; Note: Commission's last review of December 14, 2017; and
- 2. Planning Division has received the revised AIS and is acceptable for further consideration as an attachment for review by the Commission.
- 3. Recommendation: Planning further Recommends Approval

E-mail Address: llmdir@land.guam.gov

Telephone: 671-649-LAND (5263)

Facsimile: 671-649-5383

Case/Project Planner:

**Guam Chief Planner** 

Aguilar

Penmer C. Gulac, Planner IV

Attachments:

Mai Pip/Q





Governor Ray Tenorio

Lt. Governor

### Dipattamenton Agrikottura

Director's Office Agricultural Development Services Plant Nursery Aquatic & Wildlife Resources Forestry & Soil Resources Plant Inspection Station **Animal Health** 

300-7970 / 7969 / 7966 300-7973 / 7972 / 7967 300-7974 735-3955/56; Fax 734-6570 300-7975/6 475-1426/27; Fax 477-9487 300-7965 Fax 734-6569



Matthew L.G. Sablan Director

Jessie B. Palican **Deputy Director** 

December 11, 2017 Memorandum

To:

Director, Department of Land Management

Attn:

Executive Secretary, Guam Land Use Commission and Guam Seashore Protection

Commission

From:

Director of Agriculture

Subject:

"Agricultural & Environmental Impact Statement" for a "Zone Change" request from an "Agricultural" to a "Commercial" for application 2017-12 on Lots 1-3-R1 Tract 1141(Workkunen) & 1-2 Tract 1141(McGeough) Located in Dededo. (Rosalina E. Werkkunen & Lenora E. McGeough c/o Harry D. Gutierrez).

Agriculture has reviewed the subject lot for a "Zone Change" request from an Agricultural to a Commercial zone and has no opposition to the proposed zone change. Our agency will recommend approval of the zone change with the following statements, conditions and requirements set forth in 21 GCA Chapter 61 Section 61637 as our preliminary inspection of the site found no adverse impact to Agricultural activity and to any Endangered Species and other protected Coastal Zones, Wetland habitat and Watersheds.

The proposed zone change for the two, Lots 1-3-R1 Tract 1141(Workkunen) & 1-2 Tract 1141(McGeough) are located in an area that has been used in the past for various farming and ranching activities. However, currently no such "Agricultural" activity has been identified for the 2 lots with only sparse and subsistence small scale gardening occurring on surrounding lots. Therefore based on the preliminary inspection no adverse impact to any agricultural activity and to native habitats where observed either within the property scope or to surrounding properties. With regard to any immediate damage to the environment should the project proceed our agency will require the following conditions to be met and implemented onto the project site once any clearing and grading is to take place. Firstly, should the proposed zone change be approved and the project moves into any proposed build phase be aware that the proper "Clearing and Grading permits" must be obtained and registered with the Department of Public Works One Stop section with all the regulatory agencies signed off on the permit in order to proceed with mass clearing and grading of the site. No land clearing activity is to occur prior to securing the proper permit.

As rapid development occurs in the most heavily populated area of the island the destruction and removal of native tree species increases the potential for pollution and the loss of Guam's Northern Aquifer the primary source of drinking water that supplies the island. As such our agency requires that a comprehensive landscaping plan address this deficiency in development of the northern part of the island and as it relates to this zone change and any proposed development of the sites. Agriculture recommends that the lots designated for build will have elements of a green zone dedicated to it, as part of the overall landscaping plan. If this includes parking and green zones not identified in the application the use of native trees that originate in this area is highly recommended as they are suitable and will adapt readily to the existing soils. Simply re-planting of native trees in a dedicated section of the lot(s) or allowing the existing fauna to remain as is, is vital in maintaining the aquifer and the surrounding habitat to allow for a healthy and vibrant eco-system. The root system of these trees helps to prevent erosion and assists in filtering out synthetic contaminants and other manmade chemicals that would otherwise make its way into the aquifer and polluting it. The Department of Agriculture has several programs and personnel that can assist you in developing a plan to address this issue.

Please contact our Agricultural Development Services & Forestry divisions here at the agency for further assistance and guidance at 300-7972 & 7976 respectively. Our Forestry division grows and maintains these native tree species should you choose to incorporate them into the project. Contact their office for assistance and consultation at 300-7976. Please be aware that the increased loss of Guam's native habitat contributes to a diminished capacity to sustain and support a healthy island community. It is vital that all land developers take a proactive step in preventing and causing this loss. To fully benefit and see these eco-friendly practices being used visit our Department of Agriculture Organic and Environmental Demonstration Farm. The demonstration farm displays various planting techniques that will aid in the incorporation of flora back into the landscape to ease and possibly eliminate further damage to the environment by erosion and leeching. The planting of native trees will add to the aesthetic appeal of the development as it uses the trees that were once abundant in this part of NCS Dededo. The trees will also serve to provide shading for its residents, windbreak capabilities during heavy weather, erosion control, filtration of runoff and a more nature driven development that takes into account Guam's vital natural resources.

For questions or concerns regarding Agriculture's position please contact our office at 300-7973. Thank you in this regard.

MATTHEW L.G. SABLAN

**Director** 

#### ATTACHMENT B



DIPÅTTAMENTON MINANEHAN TÅNO' (Department of Land Management) GUBETNAMENTON GUÅHAN (Government of Guam)



Street Address:

RAY TENORIO Lieutenant Governor MICHAEL J.B. BORJA Director

DAVID V. CAMACHO Deputy Director

January 31, 2018

#### **MEMORANDUM**

TO:

Chairman, Guam Land Use Commission

FROM:

Guam Chief Planner

SUBJECT:

Staff Report - Application No. 2017-26

Amendment Request to a previously-approved Planned Unit Development (PUD) on Tract 240; in order to allow commercial

development on Lot 27New, Block 2, Tract 240, Dededo.

#### 1. PURPOSE:

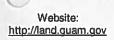
- A. Application Summary: The applicant, Yong Ja Oh, represented by F.C. Benavente, Planners is requesting approval amend a previously-approved Planned Unit Development (PUD) on Tract 240 to allow commercial development on Lot 27New, Block 2, Tract 240, Municipality of Dededo.
- B. Legal Authority: Title 21, Guam Code Annotated, Chapter 61, Title 21, Guam Code Annotated, Chapter 61 Article 6, Part 3, (Changes of Zones), Sections 61630 through 61638 Zoning Law.

#### 2. FACTS:

- A. Location: The lot is located on northern corner of Route No. 3 and Y-Sengsong Road and across the old (FAA Housing- Federal Reservation). The lot is approximately 300 feet west of Astumbo Fire Station/Astumbo Community Center (See ATACHMENT 1).
- **B. Present Zoning:** "P.U.D." (Planned Unit Development) of GHURA Subdivision on Tract 240.

Street Address: 590 S. Marine Corps Drive Suite 733 ITC Building Tamuning, GU 96913

> Mailing Address: P.O. Box 2950 Hagåtña, GU 96932



E-mail Address: dlmdir@land.guam.gov

Telephone: 671-649-LAND (5263)





- C. Lot Area: 7,689 Square Meters or 82,763 Square Feet or 1.89 Acres
- D. Field Description: The proposed development site contains 3 single family homes and will be demolished for proposed commercial development. This lot was a consolidation of many lots from owners' acquisitions over the years. Some of the lots were rezoned to commercial by the commission in recent years. The topography slopes gradually from NCS Rd (Route No. 3) and Y-seng-song Rd (Route No. 28), where the highest elevation point at Y-sengsong Road and the lowest point is at the northern borders. We note that former lots 24, 25 & 26, Block 2, Tract 240 were rezoned to "C" by the GLUC for a similar development and additional lots on Block 2 to create a new consolidated lot known as Lot 27New, Block 2, Tract 240. There is an active public sewer main located on the property. There are residential homes abutting the lot on the northeaster border. All utility infrastructures are within 100-200 feet of the subject lot.
- E. Masterplan: Residential & Commercial (Mixed Uses)
- F. Community Design Plan: P.U.D. (Planned Unit Development)
- G. Previous Commission Action (see Attached Notice of Actions with application)

#### 3. APPLICATION CHRONOLOGICAL FACTS:

A. Date Heard By ARC: June 1, 2017

B. Public Hearing Results: (See Attachment)

4. <u>STAFF ANALYSIS:</u> A Zone Change amendment must address <u>Public</u>

<u>Necessity</u>, <u>Public Convenience</u> and <u>General Welfare</u> criteria. Our analysis is as follows:

#### **Public Necessity**

This is demonstrated in responding to demands for additional convenience services by providing for consumer needs nearby. Additional services is provided to commuting consumers in need of specialty services not yet proved in the Astumbo area of Dededo. The location is significant at the corner/intersection of 2 major thoroughfares; area is developing into more commercial activities, was in response to the initial military build-up assumptions and to develop commercial activities along

the major thoroughfare (Route No. 3). There will be expected population growth in northern Guam and support activities for the military build-up. The proposed facilities and uses on the site will provide necessities and special services for the needs of the community with more retail, office spaces and special commercial services in the coming years and beyond. There will be greater demand for all goods and services on the island that will serve this area and the island community;

#### **Public Convenience**

The proposed commercial activity will enhance the site, for convenience of retail and offices and special services, such as a law office, medical/dental clinic, barber shop and beauty salons, restaurant, laundry-mat, etc., other proposed uses for public needs of goods and services. The proposed uses on the property would be consistent with the current land uses near Dos Amantes, Astumbo, and nearby area within 500-1,000, to 2,000 feet in the NCS/UKUDO area. The location is central and convenient to a large population, and is very near for consumers not travel far, and will significantly reduce expenses on energy, fuel, time to commute and shop, thus reducing traffic at other areas of the community;

#### **General Welfare**

The general welfare of the community is elevated with a new commercial facility to provide much needed services, goods, at this location. The site will be fenced, lighted, landscaped to buffer and protect, minimize impacts to the neighbors and the immediate surroundings and properties by being consistent for commercial activities that is on-going at the present time. The site will be designed with adequate parking and safe traffic circulation pattern to and from the site. The owners//applicant will ensure that all permitting requirements and conditions of the land use commission and all government are adhered to as well as to minimizing impacts to the immediate surroundings and to the general public and specially our environment and the water lens below (part of the Northern Recharge Area). Development on the sites will provide employment of local residents and contribute positively to improving the island's growing economy.

#### 5. **RECOMMENDATION**:

In support of non-residential development along major routes and roads, we find this request desirable with respect to encouraging the protection of the public's health, safety, general welfare, and convenience. With no objections from Application Review Committee (ARC) and expressed majority support of those attending the public hearing, with a one opposing the application. As such, it is the position of DLM planning Staff that the subject lot is best suited for commercial type uses and find it fitting to Recommend Approval.

MARIAN Q. AGUILAR

Case Planner: Penmer Gulac

Attachment: 1

Public Hearing Results of :

November 14, 2017; GLUC Application No. 2017-26

Public Hearing Called to Order at 6:20 pm; A total of 12 persons were in attendance. Mayor Savares, neighbors and abutting lotowers and consultant and Planning Staff Case Planner.

The Case Planner presented the proposed project and read the positions statements of agencies. Mr. Sana highlighted details of the application; discussed the time frame of the application process, construction and completion time and other pertinent information on the proposed development as well as infrastructure requirements; access to the site and area of development near Route No. 3 and Ysengsong Rd..

Public comments and concerns that were noted are as follows:

Mr. Greq Pangelinan, (property owner and neighbor):

Question addressed to Case Planner: Is the Government of Guam addressing any improvements to public sewer connections in the area since the lots will be developed for commercial uses, offices, etc.., Mr. Pangelinan stated he supports the application as it will be convenient and fenced and lighted.

#### Response (from Case Planner):

GWA has submitted its position and comments that there is active public sewer along on the subject lot. Applicant must work with GWA in addressing any requirements for the proposed development on the site, as noted on their position statement.

Ms. Diane Ignlesias (Neighbor): Stated she opposes another commercial /retail activity too close to other stores in the area.

Ms. Carmen Kasperbauer (a resident in the area): She wants to ensure that the owners/operator of the activity monitors the site and no loitering and drinking of alcohol on site and suggest the developer will put a beauty shop, clinic, law office so residents do not need to travel to Tamuning for special services.

#### Continuation of Public Hearing Minutes, Ref GLUC 2017-26

Page 2

#### Mr. Oh / Owner /Developer:

Yes, we will consideration it in the our plans, all shops the public needs to better serve the community

Mr. Kiko of from Mr. Oh's Operations office: Yes, those are good suggestions to help us finalize the uses in the commercial complex.

#### **Mayor Melissa Savaress:**

Informed those in attendance that the project is co-located near residences and that the commercial activities will be fenced and landscape the development site. She further started she will be having a meeting with her MPC on the application and provide an MPC Resolution.

There were no major concerns, the majority had favorable comments, there was 1 person objecting to the application. The hearing was adjourned at 7:30 p.m.

Penmer Gulac Project Planner

## Public hearing on new "convenience store"

Dee Iglesias <veecubed@yahoo.com>

Fri 11/3/2017 1:21 PM

To LAND MGT DIRECTOR < LANDMGTDIRECTOR@land.guam.gov>;

No! No! No!

I just received a very distressing letter from Dept of Land Management/Land Planning Division, that since I'm a property owner within 500' of the proposed development of yet another "convenience store", they are apprising me of a public hearing ,14Nov2017/6 pm/Dededo Senior Center , and inviting me to participate in the review process.

I strongly oppose having yet another "convenience store" in my immediate neighborhood. We have more than enough of them already. NCS, White, Park, UR, La Familia Markets and Shell/Foody's, etc. Even Park Market has a commercial building just yards away from them that is still under construction.

This is hitting way too close to home. We want a safe neighborhood and having another "convenience store" would be counter-productive to this. I'm sure that studies would show an increased crime- rate in re-zoned areas, particularly stores that sell alcohol. There is also the problem of increased traffic, incidences of store robberies, theft, home invasion, public intoxication, violence -domestic and otherwise, etc. We already have to contend with Astumbo's ongoing problems with stray dogs and illegal trash burning and we do not need nor want to add to those, problems that come with re-zoning. We deserve, strive for and want to maintain a certain quality of life without jeopardizing it consciously by allowing this development to come to pass. We already have the challenges of a very diverse community with a lot of elderly, with residents having an average income of low to middle, and still others, on public assistance.

I am very sure that there are many other people living here in this neighborhood who feel the way I do about this. I truly believe that rezoning our once residential area has outlived its usefulness and has become more of a detriment. Lesson learned.

Sincerely, Diane Iglesias

Sent from my iPhone

## DEDEDO MUNICIPAL PLANNING COUNCIL MUNICIPALITY OF DEDEDO

#### **RESOLUTION NO. 2017-09**

Introduced by:

Melissa B. Savares, Chairperson

Andrew Peter A. Benavente, Vice Chairperson

**MEMBERS:** 

Acda, Romy

Artero, Pascual V.

Chan, Jose-Arthur Jr.

Cruz, Tara B.

Gines, Bernardo

Mafnas, Frank

Makepeace, Annie Pangelinan, Edith San Nicolas, Jospeh Santos, Felix Tainatongo, Carmen Ernie Wusstig, P. Gular 2/8/P

Relative to the Dededo Municipal Planning Council's (DMPC) support the zone change of Lots 1-3-R1 and 1-2, Tract 1141 from "A" (Agricultural) to "C" (Commercial) to construct commercial buildings for warehouse, retail & office space, etc., located along Route 3 after Inda Street and before Okkodo High School, in the Municipality of Dededo.

### BE IT RESOLVED BY THE DEDEDO MUNICIPAL PLANNING COUNCIL:

WHEREAS, on Wednesday, November 15, 2017, during a DMPC meeting, members reviewed and discussed the zone change application for owners, Rosalina E. Werkkunen and Leonora E. McGeough; and

WHEREAS, members reviewed comments from the public hearing held on October 24, 2017 at the Dededo Senior Citizen Center; and

WHEREAS, members restrict all adult entertainment (such as Game Room & Bar/Lounges) from operating in the commercial building since there is a high school located less than 500 feet from this property; and

BE IT RESOLVED, that after further discussion, members of the DMPC motioned to support this zone change from "A" (Agricultural) to "C" (Commercial); and therefore be it

FURTHER RESOLVED, that the Chairperson of the Dededo Municipal Planning Council certify to and the secretary attest the adoption hereof and that copies of the same be therefore transmitted to the Department of Land Management, Department of Public Works, Department of Revenue & Taxation and the Department of Agriculture.

DULY RECORDED AND REGULARLY ADOPTED BY THE DEDEDO MUNICIPAL PLANNING COUNCIL ON THIS 15th DAY OF November 2017.

MELISSA B. SAVERES, MAYOR OF DEDEDO

YVONNE S. ACDA, Secretary DMPC

Street Address: 590 S. Marine Corps Drive Suite 733 ITC Building Tamuning, GU 96913

> Mailing Address: P.O. Box 2950 Hagatña, GU 96932

Website: http://land.guam.gov

E-mail Address: dlmdir@land.guam.gov

Telephone: 671-649-LAND (5263)

> Facsimile: 671-649-5383





EDDIE BAZA CALVO

RAY TENORIO Lieutenant Governor

### DIPÅTTAMENTON MINANEHAN TÅNO' (Department of Land Management) GUBETNAMENTON GUĀHAN (Government of Guam)



MICHAEL J.B. BORJA Director

DAVID V. CAMACHO Deputy Director

January 31, 2018

### **MEMORANDUM**

TO:

**Guam Land Use Commission (GLUC) Members** 

FROM:

Chairman, Application Review Committee (ARC)

SUBJECT: Summary of Position Statements by ARC

Application No. 2017-26

Listed below is the compilation of Positions received from various ARC Member Agencies as submitted to Planning Division. The conditions as imposed by the ARC Member Agencies are listed when applicable.

#### DEPARTMENT OF LAND MANAGEMENT (DLM): 1.

Recommends APPROVAL

**DEPARTMENT OF PUBLIC WORKS (DPW):** 2.

No Objections, with permitting requirements noted. (See Attached)

**GUAM WATERWORKS AUTHORITY (GWA):** 3.

recommendations No Objections, with comments, requirements noted. (See Attached)

4. **GUAM POWER AUTHORITY (GPA)** 

No Objections, with permitting requirements noted. (See Attached)

**BUREAU OF STATISTICS AND PLANS (BSP)** 2.

> The Bureau has comments with recommendations, with no objection (See Attached

DEPARTMENT OF PARK AND RECREATION/HISTORICAL 3. PRESERVATION OFFICE (DPR/HPO):

> DPR/HPO have determined that there is little likelihood of any significant presence of historical properties within the subject lot. They have no objections to approving the application. (See Attached)

# 6. ENVIROMENTAL PROTECTION AGENCY (GEPA): No Position Statement Received as of Staff Report Date.

### 7. **DEPARTMENT OF AGRICULTURE (DoAG):**

Agricultural Impact Assessment is not required

### Comments - Ex Officio:

- GUAM FIRE DEPARTMENT (GFD):
   No Position Statement Received as of Staff Report Date
- 2. GUAM ECONOMIC DEVELOPMENT AGENCY (GEDCA): NO OBJECTIONS.
- 3. <u>DEPARTMENT OF EDUCATION (DOE)</u>:
  Has not submitted a Position Statement as of Staff Report date.
- 4. <u>DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPHSS)</u>: Has not submitted a Position Statement as of Staff Report date.

Marvin Q. Aguilar Guam Chief Planner

Case Planner: Penmer Gulac

ATTACHMENTS: Position Statements as noted



# **GUAM POWER AUTHORITY**

ATURIDÅT ILEKTRESEDÅT GUAHAN P.O.BOX 2977 • AGANA, GUAM U.S.A. 96932-2977

May 23, 2017

### **MEMORANDUM**

To:

Chairman, Guam Land Use Commission

Executive Secretary, Guam Land Use Commission

From:

General Manager

Subject:

Lot 27NEW, Block 2, Tract 240, Municipality of Dededo, (Yong JA OH); Zone Change Application from "PUD" (Plan Unit Development) to "C" (Commercial) for a

convenience store, storage and accessory uses building. Application No. 2017-26

Guam Power Authority has reviewed the application described above and submits the following position statement:

### A. Comments and Recommendations Concerning GPA requirements:

- 1. Customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:
  - Coordinate overhead/underground power requirements with GPA Engineering for new structures.
  - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code.
  - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements.
  - Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection.
  - Provide scheduling and magnitude of project power demand requirements for new loads.
  - All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant
    including but not limited to labor and materials.
  - GPA reserves its easement rights established under document numbers 299566, 495199, 751716 and 615878.
- Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.
- 3. A system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities.
- 4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

#### B. General Comments

GPA has no objection to the request subject to the conditions cited above.

JOHN MI. BENAVENTE, P.E.

Ox

### INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: Guam Power Authority

Location Type of GLUC/O Brief Pr	nt: Yong JA OH  n: Lot 27NEW, Block 2, Tra Application: Zone Change GSPC Application No. 2017 oject Description: PUD" to "C" for convenience	-26	ccessory uses bui	lding.					
For the purposes of this Certification, GOVERNMENT SERVICES, FACILITIES, and INFRASTRUCTURE include, but are not limited to: power lines poles and facilities; water lines, pumps and facilities; sewer and liquid waste disposal; storm water disposal; solid waste disposal; telephone lines and facilities; schools; health facilities; police and fire fighting service and facilities; roads; traffic and street lights; parks and recreational activities.									
1.	<ol> <li>I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently AVAILABLE AND IN PLACE to support this project: Yes ☑ No ☐</li> </ol>								
2.	<ol> <li>If the answer to #1 above is YES, then:         I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently ADEQUATE to support this project:     </li> </ol>								
	Yes 🛛	No							
3. If the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE currently in place are NOT AVAILABLE or they are AVAILABLE, BUT NOT ADEQUATE, itemize the services, facilities and infrastructure that are needed, the estimated cost thereof and whether funds are currently available and identified to develop such services, facilities and infrastructure:									
	s, Facilities and	Cost of Upgrades	Funds	Date Available	Funds				
	ucture Needed see comments below		Available		Identified				
I hereby certify that the foregoing is true and correct to the best of my knowledge.									
,	M. BENAVENTE, P.E. General Manager	00%	5/3	BI 17 Date					

Based on a preliminary inspection of the site, the electrical facilities <u>may</u> require upgrading to meet the demand of the proposed project. A system impact assessment maybe required to determine the effect of this facility on GPA's existing power distribution system. The applicant will be responsible for the cost of

ASG/arp

any required system upgrade.

Eddie Baza Calvo Governor of Guam

Lieutenant Governor

Ray Tenorio

**BUREAU OF** TISTICS & PLANS SAGAN PLANU SIHA YAN EMFOTMASION

> Government of Guam P.O. Box 2950 Hagatña, Guam 96932 Tel: (671) 472-4201/3

Fax: (671) 477-1812

Carl V. Dominguez Director Manuel Q. Cruz

Deputy Director

NOV 0 8 2017

### **MEMORANDUM**

To:

Chairman, Guam Land Use Planning

Via:

Executive Secretary, Department of Land Management

From:

Director, Bureau of Statistics and Plans

Subject:

APPLICATION NO. 2017-26; LOCATION: Tract 240, Block 2, Lot 27NEW in Dededo; APPLICANT: Yong Ja Oh represented by F.C. Benavente, Planners; PROPOSED USE: Zone Change from "PUD" Planned Unit Development to "C" Commercial Zone in order to provide

Håfa Adai! The applicant, Yong Ja Oh, represented by F.C. Benavente, Planners is requesting for a zone change from "PUD" Planned Unit Development to "C" Commercial Zone for the construction and operation of a neighborhood retail store, office and storage facility and accessory uses on Tract 240, Block 2, Lot 27NEW in the municipality of Dededo.

The zigsaw shaped size of the properties that were consolidated equates to a total of 7,689 square meters or 82,764 square feet which is 1.90 acres total. The adjacent surrounding properties are predominantly single family dwellings and are fronted by Route 3 highway.

The Bureau of Statistics and Plans (Bureau) has completed its review of the application to rezone Tract 240, Block 2, Lot 27NEW from "PUD" Planned Unit Development Zone to "C" Commercial zone use and provides the following comments and recommendations:

Land Use. The North and Central Guam Land Use Plan (NCGLUP) is approved as an element of the Guam Comprehensive Development Plan (GCDP). The subject property is identified as "Mixed Use" designation in the Future Land Use Map of the NCGLUP, as stated in Policy LU-1 (d) Village Center:

"The Mixed Use category primarily focuses on larger commercial centers and corridors, including commercial uses that require large sites and draw customers from throughout the Island. Examples of commercial uses appropriate to this category include but are not limited to department stores, malls, office buildings, medical and other service uses, hotels/motels and restaurants. Mixed use developments incorporating a variety of types

and densities of residential units are also appropriate in this designation. Mixed Use development along corridors should be developed in a manner that focuses density in specific areas or 'transit targets' to support high-quality transit service, and should be developed at a walkable neighborhood scale. Along undeveloped corridors, the mixed use development should be interspersed with development that is lower density to maintain natural character and open space.

The Bureau finds that the proposed project is in line with the NCGLUP's Future Land Use Map designations.

Water Source Protection. Managing stormwater is a key element in the protection of Guam's water resources. Surface runoff carries pollutants into Guam waters causing siltation and increasing sediment loads. The properties terrain is predominantly leveled and the change from a natural environment with structures incorporated to a hardscape environment will increases runoff volume created during normal rains and storms, as well as waterway velocities, erosion, and flooding. The application lacks a drainage plan or methods to address stormwater runoff. This needs to be addressed and managed properly.

**Erosion Control.** Controlling erosion and sediment flow from construction sites are a priority with regard to stormwater impacts to surface receiving water bodies within the project site. The Bureau recommends that the applicant prevent adverse impacts from construction site runoff by employing best management practices. These practices include the following, but are not limited to:

- 1. Installing perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves the construction site.
- 2. Where feasible, schedule construction during dry season.
- 3. Stabilize construction entrances to reduce the tracking of sediment/mud from the construction site onto paved roads and parking lots.

The applicant should refer to the CNMI and Guam Stormwater Management Manual, October 2006, the Guam Erosion & Sediment Control Field Guide available at <a href="https://www.bsp.guam.gov">www.bsp.guam.gov</a> or at the Guam Environmental Protection Agency (GEPA) for detailed construction stormwater treatment criteria and standards, bio-retention areas, and rain garden specifications.

Low Impact Development (LID) Practices. The project site lies within the Mataguac Spring-Frontal Pacific Ocean Watershed. This area has seen an increase in impervious surfaces throughout the years. In between the years 2005 and 2011, the impervious surface area increased by more than 5.17% according to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP). As surface area increases so does the risk of flooding and decreased water quality and in order to minimize negative impacts best management practices should be incorporated.

The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features while minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product.

Native Flora. Protection from invasive species is critical to preserving Guam's native plant and animal species. Therefore, the applicant is advised to avoid the use of invasive plants in their landscape plan. The use of native plants requires little to no fertilizer for growth. The Bureau encourages consultation with the Department of Agriculture's Division of Forestry and Soil Resources on using native plants and organic fertilizers to avoid additional contaminants from entering the aquifer. The applicant may also seek guidance from Guam EPA regarding their Pesticide Control Program.

Considering the growing concerns of flooding due to increased impervious surface, the applicant is highly encouraged to implement LID practices such as permeable parking and walkways, grassed swales, island bio-retentions, green roofs, and/or rain gardens into the landscape as a means to reduce runoff and control erosion from their property. An electronic file of the Island Stormwater Practice Design Specifications is available on the Bureau's website at <a href="https://www.bsp.guam.gov">www.bsp.guam.gov</a> under the Guam Coastal Management Program.

In light of the points presented above, the Bureau recommends approval to the zone change request from "PUD" Planned Unit Development zone to the "C" Commercial zone. The Bureau finds that the proposed commercial activity is compatible with its surrounding uses. Accordingly, the applicant is required to prevent contaminants by controlling erosion during construction and managing stormwater runoff on site. Subsequently, if this application is approved, the Bureau requires the applicant to comply with the recommendations stipulated above.

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect public health, safety, and to promote the public welfare and convenience. We also encourage the applicant to protect Guam's natural resources and to ensure they are used in a sustainable manner. Si Yu'os Ma'ase'.

CARL V. DOMINGUEZ

cc: GEPA DPW GWA DPR GPA





LENN LEON GUERRERO Director FELIX C. BENAVENTE Deputy Director

June 27, 2017

**MEMORANDUM** 

TO: Director, Department of Land Management

FROM: Director

APPLICANT: Yong Ja

APPLICATION: 2017-26

SUBJECT: Rezone from an existing "PUD" to allow Commercial ("C") on Lot 27 NEW.

Block 2, Tract 240, Dededo

Buenas yan Hafa Adai!

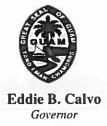
The applicant is requesting to rezone subject property from an existing "PUD" to "C" with the intent to construct a convenience shopping store with storage including parking area. The total area is 1.89 acre or 7,869 square meters.

The Department of Public Works (DPW) has completed its review with the following requirements to be submitted to DPW - Division of Capital Improvement Projects (CIP).

- provide a conceptual plan and show legend defining all areas included;
- provide a storm drainage disposal (must be shown in detail and be supported with calculations);
- parking layout and detail of parking stalls (compact, standard and accessible) must meet the American Disability Act (ADA);
- if the owner chooses to use GSWA disposal or any private services, the location of the trash or bin container should be situated in an area that will not hinder the public rights of way;
- comply with all the geotechnical requirements related to site preparations; and
- road (entrance, exit, sidewalks and pedestrian) must be wide enough for public access and incorporate in the conceptual plan.

DPW recommends approval, subject to the comments after review by the Application Review Committee (ARC) with conditions that a complete set of design drawings incorporating all the engineering disciplines are provided for building permit. The plans shall be in conformance with the latest building code edition and must be signed by a registered engineer or architect.

If you have any questions, please call Mr. John F. Calanayan, Acting Engineer in Charge or Maryrose M. Wilson, Engineer III at Division of Capital Improvement Projects (CIP) at 646-3189 or 646-3224. Dangkulu na Si Yu'os Ma'ase!



### Department of Parks and Recreation Government of Guam

490 Chalan Palasyo, Agana Heights, Guam 96910 Director's Office: (671) 475-6288/7; Fax (671) 477-0997 Parks Division: (671) 475-6288/9

Guam Historic Resources Division: (671) 475-6294/5

Facsimile: (671) 477-2822



Ray Tenorio

Lt. Governor

In reply refer to: RC2017-0667 cr: RC2010-7234

June 23, 2017

To:

Executive Secretary, Guam Land Use Commission

From:

Director, Department of Parks and Recreation

Subject:

DPR Position Statement on GLUC Application No. 2017-26:

Application to Amend an Existing "PUD" to Allow Commercial Uses on Lot

27NEW, Block 2, Tract 240, (As-Tumbo Subdivision), Dededo, Guam

We have reviewed the subject application submitted by FC Benavente, Planners, on behalf of the applicant, owner, and developer, Oh Yong Ja. The applicant is seeking approval for a zone change, from "PUD" to "C," to allow commercial uses on Lot 27NEW. Lot 27NEW is the consolidation of Lots 13, 14, 16, 27, and Lot 26NEW. Previously a portion of the As-Tumbo GHURA Housing Subdivision, was purchased by the applicant.

The subject lot, comprising a total of 7,869 square meters in area, is located at the intersection of Route 3 and I-Sengsong Road adjacent to the As-Tumbo fire station and recreation areas. The area had been previously cleared during the development of the housing subdivision and there is little likelihood of any significant presence of historic properties within the lot. Taking this into account, we have no objections to the approval of subject application.

However, should any other requirements arise as a result of changes to the proposed development, including Federal involvement, additional reviews and approval will be required by our department.

If you have any questions with regards to our position, please contact our office.

Cc:

FC Benavente, Planners felouben@gmail.com

Cof



# **GUAM WATERWORKS AUTHORITY**

Gloria B. Nelson Public Service Building 688 Route 15, Mangilao, Guam 96913

JUL 3 1 2017

Department of Land Managemen

**MEMORANDUM** 

July 18, 2017

TO:

Michael Borja, Director, Department of Land Management

FROM:

Miguel C. Bordallo, P.E., General Manager

SUBJECT:

Position Statement on Zone Change Application No. 2017-26 for

Lot 27New, Block 2, Tract 240 in the Municipality of Dededo

APPLICANT(S):

Yong Ja Oh

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a zone change from "PUD" (Planned Unit Development) to "C" (Commercial) zone for the proposed development of a neighborhood convenience shopping store in the Municipality of Dededo.

This memorandum shall serve as GWA's position statement to the above zone change request related to availability of water and sewer infrastructures to serve the above subject lot. This position statement shall not be construed as notice that water and sewer systems have the capabilities to accommodate the proposed development including fire flow without on-site or off-site improvements. Any extension of the water and sewer systems and/or capacity upgrades required to serve the property shall be subject to the rules and regulations of GWA. Any required extension to the existing facilities to serve the subject properties shall be at expense of the applicant.

Given the information provided in the application and field observations, the following comments are conditions for GWA's position in favor of the approval of this zone change application:

 There is an active GWA public sewer main located on the subject lot. The attached Department of Land Management instrument number #299566 identifies an easement reservation that was not included in the submitted 2015 property map.

Future construction should not occur over public utility infrastructure. Any proposed changes to the existing infrastructure shall: (a) be coordinated with GWA; (b) ensure continuity of utility service for customers near, upstream, or downstream of construction, both during and after construction; (c) establish new

porlar 1/27/17

utility rights of way/easements, as appropriate; and (d) be at the developer's expense.

Access to public utility infrastructure should not be obstructed or restricted before, during, or after construction.

- 2. The applicant must provide GWA with site development plans to construct the proposed commercial building. The site development plans must illustrate the proposed point of connection for water and sewer and is subject to GWA inspection and approval. Submittals shall include water and sewer design calculations and complete drawings and specifications. Design calculations shall include proposed water demand calculations including fire-flow and sewer production calculations.
- 3. GWA requires the applicant to coordinate with the GWA Engineering Department at least six months in advance of the building permit application submittal. Discussions shall include the proposed water demand and sewer production calculations in order to determine if existing facilities can accommodate the proposed development and if any off-site infrastructure improvements may be necessary.
- 4. If off-site water and sewer infrastructure improvements are installed by the developer, they will require prior approval from GWA, must meet GWA standards, be constructed in the public easement or right of way, and shall be subject to inspection by GWA. Any infrastructure improvements will be at the expense of the applicant. GWA's approval of the occupancy will be contingent upon the completion of offsite improvements.

The developer shall register maps and documents for new public rights of way or utility easements with the Department of Land Management (DLM) and provide copies to GWA.

- 5. The applicant shall install GWA water meters in the public right of way or easement.
- 6. Backflow prevention devices are required for non-residential activities.
- New development is subject to water and/or sewer system development charges (SDC).
- 8. Grease traps or interceptors are required for food service establishments.
- 9. Stormwater discharge to the sanitary sewer system is prohibited.

Page 3 of 3 GWA Position Statement ARC Application No. 2017-26 Applicant(s): Yong Ja Oh

This GWA Position Statement shall remain valid for 365 calendar days from the date of this response. Please contact GWA Engineering Division regarding water and sewer system improvement design and construction standards and procedures. For additional information please contact Mauryn McDonald, P.E., Permits and New Area Development Supervisor, at 300-6054.

# Street Address: 590 S. Marine Corps Drive Suite 733 ITC Building

Mailing Address: P.O. Box 2950 Hagåtña, GU 96932

Tamuning, GU 96913



### E-mail Address: llmdir@land.guam.gov



Facsimile: 671-649-5383



#### ATTACHMENT C

# DIPATTAMENTON MINANEHAN TANO' (Department of Land Management) GUBETNAMENTON GUAHAN (Government of Guam)



MICHAEL J.B. BORJA Director

DAVID V. CAMACHO Deputy Director

EDDIE BAZA CALVO Governor

RAY TENORIO Lieutenant Governor

January 24, 2018

### Memorandum

To:

Chairman, Guam Land Use Commission

From: Guam Chief Planner

Subject: Staff Report - Application No. 2017-06,

Zone Variance for Lot No. 4, Block 15, Municipality of Dededo;

GLUC Meeting of February 8, 2018

### 1. PURPOSE:

- a. Application Summary: The applicants, Virgilio and Susan La Rosa, are requesting for a Zone Variance approval for (Use) and operate a minicanteen/eatery and catering services within a portion of their residence on Lot 4, Block 15, Dededo Village, Municipality of Dededo.
- **b. Legal Authority:** Title 21, GCA (Real Property), Chapter 61 (Zoning Law) Sections 61616 to 61624 (Variances).

### 2. FACTS:

- a. Location: The subject site is located at the corner of Redondo Luchan and Iglesias Circle, approximately 100 feet south of the Santa Barbara school and 200 feet east of Santa Barbara Church in Dededo.
- b. Lot Area: Lot 4, Block 15, is at 682.84 Square Meters or 7,350 Square Feet
- c. Present Zoning: "R-1" (Single Family Dwelling) Zone
- **d. Field Description**: Presently a single family dwelling residence that they occupy and also have a current home based catering service attached to their residence.

Re: Staff Report - Application 2017-06, Zone Variance

Lot 4, Block 15 - Dededo Village, Municipality of Dededo

Date: January 24, 2018

Page 2 of 5

e. Masterplan: Residential - Commercial (Mixed- Uses)

f. Community Design Plan: Residential – Commercial

g. Previous Commission Action: None

### 3. APPLICATION CHRONOLOGICAL FACTS:

a. Date Application Accepted: December 5, 2016

A. Date Heard By ARC: January 19, 2017

B. Public Hearing Results: January 9, 2018

(See Attachment "A")

### 4. DISCUSSION and STAFF ANALYSIS:

As proposed, the zone variance request for use and operate a mini-canteen/eatery and catering services within a portion of their residence on Lot 4, Block 15, Dededo Village, Municipality of Dededo.

Pursuant to Section 61617 (Variance Requirements) of Chapter 61 (Zoning Law), 21 GCA, variances may be granted by the Commission, provided the applicant can justify practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the law, that there are exceptional circumstances or conditions applicable to the property or to the intended use that do not apply generally to other properties in the same zone, that the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood, that the granting of the variance will not be contrary to the objectives of any part of the Guam Master Plan and that the proposed building will substantially enhance the recreational, aesthetic or commercial value of the beach area upon which the building is to be constructed, and that such building will not interfere with or adversely affect the surrounding property owner's or the public right to untrammeled use of the beach and it's natural beauty.

Re: Staff Report - Application 2017-06, Zone Variance

Lot 4, Block 15 - Dededo Village, Municipality of Dededo

Date: January 24, 2018

Page 3 of 5

In response to;

# A. THAT THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS INCONSISTENT WITH THE GENERAL PURPOSE AND INTENT OF THE LAW.

The location is within residence and the same block of where commercial/retail establishment and is abutting a 6-unit multi-family complex, and to deny this application will result in practical difficulties for our family to pursue a mini – canteen, no dine-in (take –out only) eatery, food catering service to nearby neighbors, private schools, prospective clients and with established customer base, having been in the food/restaurant operation for many years. The family has been in food service and catering for over twenty years and due to rising cost of rent and operation expenses in a mall complex, family members have decided to down size operation and minimize costs and now relocate to our residence. They have children still attending school, one daughter of legal age to help with the business operation. The site is ideal for a small business within our property to continue serving our loyal customers and support the family and financial obligations and maintain business operations day to day. They will be able to hire local residents and pay residential and business taxes as well. This request for use variance is consistent of the general purpose and intent of the law.

# B. THAT THERE ARE EXCEPTIONAL CIRCUMSTANCES OR CONDITIONS APPLICABLE TO THE PROPERTY OR THE INTENDED USE THAT DO NOT APPLY GENERALLY TO OTHER PROPERTIES IN THE SAME ZONE.

The intended variance allows for reasonable use of the property while complying in part with the existing zoning within R1 (residential zone) The location is the most ideal location for the family to pursue a mini — canteen, no dine-in (take-out only) /eatery, food catering service to nearby neighbors, private schools, construction companies and prospective clients and with an established customer base in Dededo and in other areas of the community. Having been a family run business in the food/restaurant operation, they have established good reputation and goodwill to our clients. The subject property is adequate to operate a small family run business to serve the community's needs. Commercial space rentals and leases have increased over the years and the family cannot afford associated costs and provide livelihood, as well as provide for family's needs. The location is accessible and will not create traffic issues in this area or neighborhood. Although the property is under ¼ acre, we can still operate the proposed use a smaller scale to serve the community. Many of their clients orders will be for take- out orders and pick up, no dine –in and catering services and parking is provided within the premises to include parking for persons with disability. There will be no alcohol or tobacco sold in the establishment. These circumstances and proposed uses as stated do not apply to other properties in the same area in the same zone.

Re: Staff Report - Application 2017-06, Zone Variance Lot 4, Block 15 - Dededo Village, Municipality of Dededo

Date: January 24, 2018

Page 4 of 5

C. THAT THE GRANT OF VARIANCE WILL NOT BE MATERIALLY DETRIMENTAL TO THE PUBLIC WELFARE OR INJURIOUS TO THE PROPERTY OR IMPROVEMENTS IN THE ZONE OR NEIGHBORHOOD IN WHICH THE PROPERTY IS LOCATED.

The granting of the requested use variance will not be materially detrimental to the public welfare or improvement in the neighborhood. All activities will be within the property and will not cause hardship, or cause traffic, as the operation will be small scale, all parking requirements and all safety requirements will be met as well all other requirements such as permits for in-house improvements. All solid waste and public health sanitary requirements will be adhered to and some landscaping will be maintained within the lot and blend in the neighborhood setting. This further protects the neighbors, and will not be materially detrimental to the public welfare in the zone where the project is located.

D. THAT THE GRANT OF SUCH VARIANCE WILL NOT BE CONTRARY TO THE OBJECTIVES OF ANY PART OF THE MASTER PLAN ADOPTED BY THE COMMISSION OR LEGISLATURE.

The granting of the variance does not drastically change the area and will not be contrary to the existing uses as it is a small operation within the neighborhood. This site and location places the subject lot in an area near other single-family residential units and commercial activities nearby and will not have significant impact to the infrastructure or neighborhood. Therefore the granting the variance will not be contrary to the objectives of any part of the Master Plan of Dededo .

E. THAT AS TO VARIANCES FROM THE RESTRICTIONS OF §61504 OF THIS CHAPTER, THE PROPOSED BUILDING WILL SUBSTANTIALLY ENHANCE THE RECREATIONAL, AESTHETIC OR COMMERCIAL VALUE OF THE BEACH ARE UPON WHICH THE BUILDING IS TO BE CONSTRUCTED, AND THAT SUCH BUILDING WILL NOT INTERFERE WITH OR ADVERSELY AFFECT THE SURROUNDING PROPERTY OWNERS' OR THE PUBLICS' RIGHT OF AN UNTRAMMELED USE OF THE BEACH AND ITS NATURAL BEAUTY.

This criteria is "NOT APPLICABLE" The subject property is not located near or on any public beach area whereby it will affect, hinder, obstruct the ocean beach access for both private residents or the public at large.

Re: Staff Report - Application 2017-06, Zone Variance Lot 4, Block 15 - Dededo Village, Municipality of Dededo

Date: January 24, 2018

Page 5 of 5

In addition, the result of the public hearing shows support from the Vice Mayor and those in attendance, and per conversation with Mayor Savares, she will submit a revised MPC resolution with conditions that this family home business will be for take -out of food only, no dining in, as well as continuation of the family's existing catering services. Submitted ARC position statements are with no objection and therefore, conclude that their request is in proper form and context to be considered favorably by the Guam Land Use Commission.

# 5. RECOMMENDATION: Recommend Approval with Conditions as follows:

- A. The Applicant shall adhere to all the ARC conditions and requirements as stipulated in their Official Position Statement; and
- B. That the Applicant shall ensure that no alcohol or tobacco products will be sold within the premises, pursuant to Alcohol Beverage and Tobacco Act Rules and Regulations of the Government of Guam; and
- C. That the requested use will be for a mini-canteen (within a portion of the house) for take-out of food and no dine-in at the premises, as well as the continuation of existing food catering service (see Attachment B - revised site/floor plan)
- D. Any improvements to the building, shall require a building permit and copies of completion certification (Occupancy Permit) shall be submitted to the Guam Chief Planner.

CASE PLANNER

Penmer C. Gulac

Attachments:

ARC Memo to GLUC Members

# ATTACHMENT (PUBLIC HEARING MINUTES OF JANUARY 9, 2018); CASE NO. 2017-06

The required public hearing was held at the Dededo Senior Citizen Center/Mayor's Office on January 9, 2018, at 6:35 P.M. Present were, the Case Planner, Vice Mayor Frank Benavente, Mr. La Rosa and his daughter, some neighbors and lotowners. A total of 11 persons were in attendance.

The Case Planner presented the proposed project and read the positions statements from various agencies and departments. Mr. La Rosa informed the public, that it's a small family business, together with food catering service that already exist in their home. There will be take-out of food only and no alcohol or tobacco will be sold on site and they will comply with all Government of Guam Regulations and continue to pay their business and residential taxes.

Public comments and concerns that were noted are as follows:

# Mr. Joseph San Agustin, (Neighbor and owner of retail store nearby Lot 6, Block 15, LamLam Store)

He expressed full support of the proposed use and intent of the Larosa Family.

# Mr. Robert Onedera (Co-Owner of Onedera Store, Lot 12, Block 18 (Commercial Zone):

Mr. Onedera stated that the owners will adhere and improve their operations in addition to catering and be good neighbors keeping the area clean. He stated he had already ordered food from the Larosa's and was very satisfied and good and with lots of potential with take our orders. He mentioned of the Larosa's shopping necessities at his store as well. I will be convenient for the neighborhood and others nearby, no need to cross Marine Drive. There may have some traffic issues on Sundays or school days, but good for neighborhood, keep it a small scale business.

Mrs. Rosa Santos Clark, a neighbor, concerned of smoke from the cooking, bar-b-que, may affect the neighborhood, as some residents are old and have respiratory illnesses. May increase traffic, but support the application.

<u>Planner's Response:</u> All cooking will be within the structure and parking will be adequate for take-out orders only, parking for 1 employee and family, total 11 spaces parking are provided on site with 1 ADA, meet zoning, parking requirements. All services will be for take-out only, and no dine-in or sit down.

All infrastructure are in place, public health has cleared the existing catering services and approved their home based operation.

### Vice Mayor Benavente (Comments):

He stated the MPC will further review the application, and still support the application as noted on our last MPC Resolution No. 2016-08, its good for the community and we will be revising the resolution with conditions noted that no sit down dining-in on the premises.

Mr Alan and Helen Tseng, Neighbors: The stated that the fully support the application and intent of the La Rosa family and maintain a small business to benefit the community of Dededo.

### **Planning Staff Summary of Public Hearing:**

After discussion on proposed variance and information given by staff, we note that there were no objections or major concerns at the hearing. That the majority of those in attendance provided support for the lot owner to be proactive and suggest to keeping the site clean and in good order and comply to all government regulations so that their business will have positive impacts for the neighborhood and other small businesses in the area with mixed uses of residential and commercial activities.

Again, there were no objections on the proposed variance during the hearing. Planning Staff reminded the Vice Mayor to provide a Municipal Planning Council Resolution prior to the Land Use Commission hearing.

There hearing was adjourned at 7:15 p.m.

Penmer Gulac, Project Planner

# DEDEDO MUNICIPAL PLANNING COUNCIL MUNICIPALITY OF DEDED

## **RESOLUTION NO. 2016-08**

Introduced by:

Melissa B. Savares, Chairperson

Andrew Peter A. Benavente, Vice Chairperson

MEMBERS:

Acda, Romy

Artero, Pascual V.

Chan, Jose-Arthur Jr.

Cruz, Elizia

Espinosa, Laura

Gines, Bernardo

Mafnas, Frank

Makepeace, Annie

Pangelinan, Edith

San Nicolas, Jospeh

Tainatongo, Carmen

Wusstig, Ernie

Deplay Div

Relative to the Dededo Municipal Planning Council's (DMPC) support for the zone variance (Use) Lot 4, Block 15 at the corner of Redondo Luchan and Iglesia Circle as a Mini-Canteen and Catering Service, in the Municipality of Dededo.

BE IT RESOLVED BY THE DEDEDO MUNICIPAL PLANNING COUNCIL:

WHEREAS, on Tuesday, December 13, 2016, during a DMPC meeting, members reviewed and discussed the zone variance application for owner, Virgilio R. & Susan M. La Rosa, to use the existing structure on the above lot to operate a Mini-Canteen and Catering Service; and

WHEREAS, members acknowledge that there are adequate utilities (power, water, sewer, telephone and cable) within the property; and

WHEREAS, there is a single-family dwelling on the lot, which is 7,350.03 square feet and is located at the corner of Redondo Luchan and Iglesia Circle; and

WHEREAS, a motion was made and seconded to approve this zone variance request to operate the Mini-Canteen and Catering Service on the above lot; and

BE IT RESOLVED, that members of the DMPC voted to support this zone variance application; and therefore; be it

FURTHER RESOLVED, that the Chairperson of the Dededo Municipal Planning Council certify to and the secretary attest the adoption hereof and that copies of the same be therefore transmitted to the Department of Land Management, Department of Public Works and the Department of Agriculture.

DULY RECORDED AND REGULARLY ADOPTED BY THE DEDEDO MUNICIPAL PLANNING COUNCIL ON THIS 13th DAY OF December 2016.

MELISSA B. SAVARES, Mayor of Dededo

ONNE S. ACDA. Secretary DMPC

To: Mr Michael JB Borja

Director of DLM

Attention: Land Planning Division P.O. Box 2950 Hagatna, Guam 96932

RE: Comment to Zone Variance Application for Lot 4 Block 15, Dededo, Guam

Dear Mr Borja,

I am writing to you to express 100% my support for Mr La Rosa desire to open a Mini-canteen/ eatery& catering service.

He wants to operate the small business out of his home which i feel is complimentary to the businesses, entities, and residences within the Iglesias Circle and the immediate surrounding areas. Having a small eatery will make it extremely convenient for me and my family to get a decent meal without having to drive across Marine Drive or to Ysengsong Rd area. I am sure there will be a lot of people in the neighbourhood who would appreciate the convenience of walking to the eatery to pick up some good food.

I understand there is Onadera store nearby that sells groceries and some ready made food. However, the ready made foods are from outside vendors that deliver in the mornings like sandwiches, empenada, donuts, tamales, and soups. The food is nice and fresh in the morning. But by the afternoon and early evenings there is not much of selection left, if any.

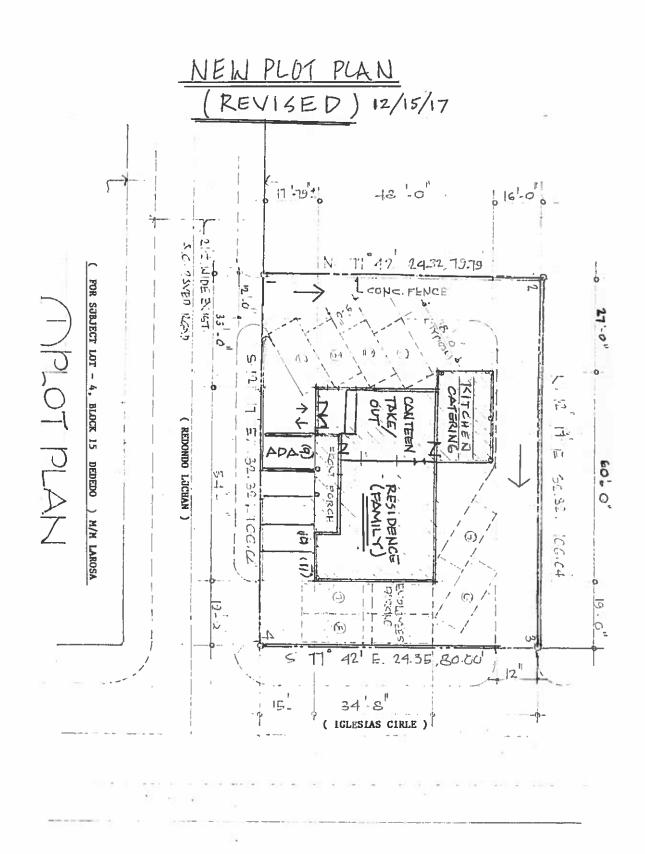
Mr La Rosa eatery will definitely provide a great complimentary service to the grocery store and ice cream shop nearby. With the church and school in walking distance, the Eatery will make it extremely convenient for the people and students to fill the hungry stomachs after the services or after school.

Again, Thank you for the opportunity to express my full support for Mr La Rosa Eatery.

Sincerely,

Alan and Helen Tseng

390 Iglesias circle, Dedédo and 133 Buena Vista Ave. Dededo



Street Address: 590 S. Marine Corps Drive Suite 733 ITC Building Tamuning, GU 96913

Mailing Address: P.O. Box 2950 Hagatña, GU 96932

Website: איים:<u>//dlm.guam.gov</u>

E-mail Address: dimdir@land.guam.gov

Telephone: 671-649-LAND (5263)

Facsimile: 671-649-5383



# DIPÅTTAMENTON MINANEHAN TÅNO' (Department of Land Management) GUBETNAMENTON GUÄHAN

(Government of Guam)



MICHAEL J.B. BORJA Director

DAVID V. CAMACHO Deputy Director

EDDIE BAZA CALVO Governor

RAY TENORIO Lieutenant Governor

January 24, 2018

MEMORANDUM

TO: Guam Land Use Commission (GLUC) Members

FROM: Chairman, Application Review Committee (ARC)

SUBJECT: Summary of Positions Submitted by ARC

RE: Application No. 2017-06 (Zone Variance - Use)

Listed below is the compilation of Positions taken by the various ARC member agencies as submitted to Planning Division, Department of Land Management. The conditions as imposed by the ARC member agencies are listed when applicable.

# **DEPARTMENT OF LAND MANAGEMENT (DLM):**

- 1. Recommends approval subject to the ARC Position Statement and the permitting agencies requirements;
- 2. No liquor or tobacco sales in the premises.

# **DEPARTMENT OF PUBLIC WORKS (DPW):**

DPW has reviewed the application and recommends approval with permitting requirements and recommendations on submissions of building plans for agency review.

# **GUAM POWER AUTHORITY (GPA):**

GPA has reviewed the application and provides statement of general requirements:

### General Comments:

GPA has no objection to the request subject to the conditions cited, (see attached ) statement.

## **GUAM WATERWORKS AUTHORITY (GWA):**

GWA submitted a position statement to the above zone change request with general comments and agency permitting requirements, related to availability of water and sewer infrastructures to serve the above subject lot (see attached).

Continuation of Memorandum Ref: ARC Summary of Position Statements - Application No. 2017-06 January 24, 2018 Page 2 of 2

### **DEPARTMENT OF PARKS AND RECREATION (DPR):**

DPR has reviewed the application and states that they have no historic preservation concerns for proposed use and have no objections (see attached).

### BUREAU OF STATISTICS AND PLANS (BSP):

The Bureau has completed its review of the application and recommends approval, and provides comments and recommendations (see attached).

### **GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA):**

Has not submitted Position Statement as of Staff Report date.

## **GUAM ECONOMIC DEVELOPMENT & COMMERCE AUTHORITY (GEDCA):**

Has no objections

### **GUAM FIRE DEPARTMENT (GFD):**

Has not submitted Position Statement as of Staff Report date.

### **DEPARTMENT OF AGRICULTURE (DoAg):**

Has not submitted Position Statement as of Staff Report date.

## **DEPARTMENT OF CHAMORRO AFFAIRS (DoCA):**

Has not submitted Position Statement as of Staff Report date.

# **DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPH&SS):**

Has not submitted Position Statement as of Staff Report date.

# **GUAM PUBLIC SCHOOL SYSTEM (GPSS):**

Has not submitted Position Statement as of Staff Report date.

Marvin Q. Aguilar

Attachments: ARC Position statements CC: Executive Secretary, GLUC





MB 3 16 MAR 1 5 2017

March 8, 2017

**MEMORANDUM** 

TO:

Director, Department of Land Management

FROM:

Director

APPLICANT:

Virgilio R. & Susan La Rosa

APPLICATION:

2017-06

SUBJECT:

Zone "R-1" Dwelling conversion for Mini Canteen/ Eatery & Catering Service

Lot 4, block 15, Dededo

Buenas yan Hafa Adai!

The applicant are requesting to convert an existing single family dwelling into a mini canteen/ eatery and catering service within a portion of an existing residential structure in an "R-1"zone. The lot contain a total area of 682.84 square meters (7,350.3 square feet) and is within the Municipality of Dededo.

The Department of Public Works (DPW) has completed its review of subject application and has no objection to the request provided a copy of the approved plans or an occupancy permit signed by the building official is required to be submitted to DPW - Division of Capital Improvement Project.

 $\sqrt{\phantom{a}}$ 

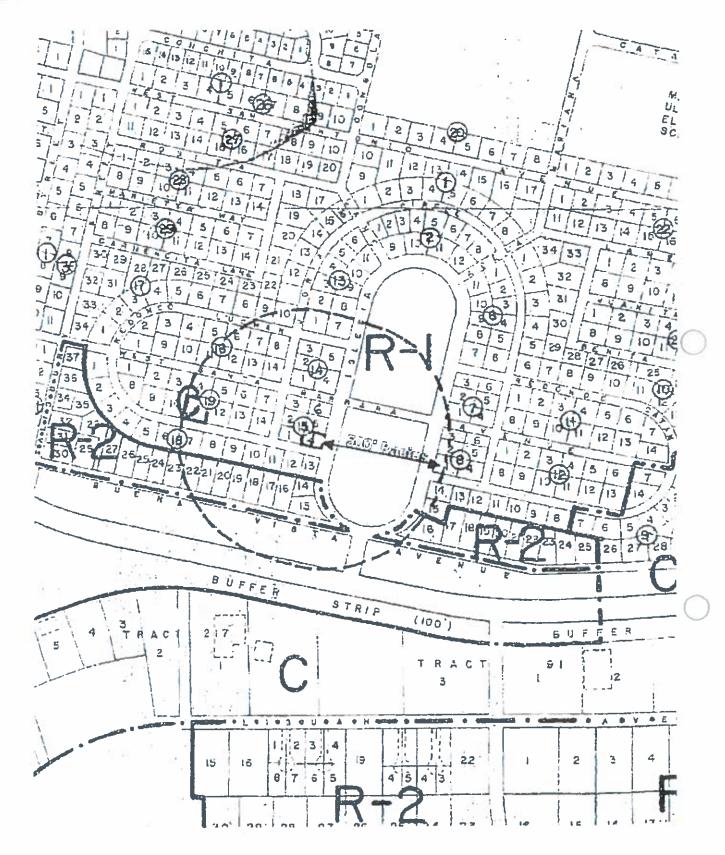
DPW recommends approval, of the conversion request, subject to the comments reviewed by the Application Review Committee (ARC).

If you have any questions, please contact John F. Calanayan, Acting Engineer in Charge or Maryrose M. Wilson, Engineer III in the Division of Capital Improvement Projects (CIP) at 646-3189 or 646-3224.

Dangkulu na Si Yu'os Ma'ase!

GLENN LEON GUERRERO

P GUISTINIA ON



500' PROPERTY OWNERS

Lot 4, Blk. 15, Dededo Village



# **GUAM POWER AUTHORITY**

ATURIDÅT ILEKTRESEDÅT GUAHAN P.O.BOX 2977 • AGANA. GUAM U.S.A. 96932-2977

RECEIVED

January 18, 2017

**MEMORANDUM** 

Chairman, Guam Land Use Commission

Executive Secretary, Guam Land Use Commission

From:

To:

General Manager

Subject:

Lot 4, Block 15, Municipality of Dededo, (Virgilio R. & Susan M. La Rosa); Zone Variance (Use) Application on an existing residential for a canteen, eatery and catering

service. Application No. 2017-06

Guam Power Authority has reviewed the application described above and submits the following position statement:

### A. Comments and Recommendations Concerning GPA requirements:

- Customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:
  - Coordinate overhead/underground power requirements with GPA Engineering for new structures.
  - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code.
  - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements.
  - Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection.
  - Provide scheduling and magnitude of project power demand requirements for new loads.
  - All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials.
- 2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.
- A system impact assessment may be required to determine the effect of this facility on GPA's
  existing power facilities.
- 4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

### B. General Comments

GPA has no objection to the request subject to the conditions cited above.

JOHN M. BENAVENTE, P.E.

### INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: Guam Power Authority
Applicant: Virgilio R. & Susan M. La Rosa.
Location: Lot 4, Block 15, Dededo
Type of Application: Zone Variance (Use)
GLUC/GSPC Application No. 2017-06
Brief Project Description:
An existing residential for a canteen, eatery and catering service.

For the purposes of this Certification, GOVERNMENT SERVICES, FACILITIES, and INFRASTRUCTURE include, but are not limited to: power lines poles and facilities; water lines, pumps and facilities; sewer and liquid waste disposal; storm water disposal; solid waste disposal; telephone lines and facilities; schools; health facilities; police and fire fighting service and facilities; roads; traffic and street lights; parks and recreational activities.

1.	I hereby certify that the r INFRASTRUCTURE ar Yes	e currently AVAILAB			project:			
2.	If the answer to #1 above is YES, then: I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently ADEQUATE to support this project:							
	Yes 🛭	] No						
3.	If the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE currently in place are NOT AVAILABLE or they are AVAILABLE, BUT NOT ADEQUATE, itemize the services, facilities and infrastructure that are needed, the estimated cost thereof and whether funds are currently available and identified to develop such services, facilities and infrastructure:							
Services, Facilities and Infrastructure Needed		Cost of Upgrades	Funds Available	Date Available	Funds Identified			
Please see comments below								

Comments:

Based on a preliminary inspection of the site, the electrical facilities <u>may</u> require upgrading to meet the demand of the proposed project. A system impact assessment maybe required to determine the effect of this facility on GPA's existing power distribution system. The applicant will be responsible for the cost of any required system upgrade.

I hereby certify that the foregoing is true and correct to the best of my knowledge.

Eddie Baza Calvo Governor of Guam





Manuel Q. Cruz Deputy Director

Ray Tenorio
Lieutenant Governor

Government of Guam P.O. Box 2950 Hagåtña, Guam 96932 Tel: (671) 472-4201/3 Fax: (671) 477-1812

FEB 2 7 2017

**MEMORANDUM** 

TO:

Chairman, Guam Land Use Commission

VIA:

Executive Secretary, Department of Land Management

FROM:

Deputy Director, Bureau of Statistics and Plans

**SUBJECT:** 

DLM **Application No.** 2017-06; **Location:** Lot 4 Block 15 Dededo Village, Dededo; **Applicant(s):** Mr. Virgilio R. & Ms. Susan M. La Rosa; **Proposed Use:** Zone Variance (Use) in an "R-1" (Single Family Dwelling) Zone

Håfa Adai! The applicant(s), Virgilio R. & Susan M. La Rosa, are requesting for a zone variance for use in an R1 Single Family Dwelling Zone on Lot 4 Block 15 within the Municipality of Dededo. The street address is #255 Redondo Luchan and Iglesias Circle Dededo. The applicant(s) is proposing a mini-canteen/eatery and catering service in an existing residential home.

The existing residential location can be found within the Dededo village across from the Santa Barbara School and is 867.29 square meters or 7,350.03 square feet. The make-up of the surrounding location is a mixture of apartments, a retail store, and the Santa Barbara Elementary Catholic School directly across from the residence.

The activities surrounding the proposed location is a mixture of single family dwelling residential homes, multi-family dwelling units (apartments), a recreational park, a library, a Catholic church and the Santa Barbara Catholic school immediately across the applicants' property. Also, less than two miles away there are other mixed uses such as the Compadres Mall, Cost U Less, the Harmon Sports Complex/park, an elementary public school, and a medical clinic accessible by the Route 1 area.

The Bureau of Statistics and Plans (Bureau) has completed its review of the subject application and provides the following comments and recommendations.

Land Use. The Bureau finds that the proposed project is within the mixed use category according to the North and Central Guam Land Use Plan (NCGLUP) Future Land Use Map

\* BSP Position Statement ARC 2015-30 Page 2

designations. The NCGLUP is approved as an element of the Guam Comprehensive Development Plan (GCDP). The subject property is identified as "Mixed Use" designation in the Future Land Use Map of the NCGLUP, as stated in Policy LU-1 (b).

Mixed Use: The Mixed Use category primarily focuses on larger commercial centers and corridors, including commercial uses that require large sites and draw customers from throughout the Island. Examples of commercial uses appropriate to this category include but are not limited to department stores, malls, office buildings, medical and other service uses, hotels/motels and restaurants. Mixed use developments incorporating a variety of types and densities of residential units are also appropriate in this designation. Mixed Use development along corridors should be developed in a manner that focuses density in specific areas or 'transit targets' to support high-quality transit service, and should be developed at a walkable neighborhood scale. Along undeveloped corridors, the mixed use development should be interspersed with development that is lower density to maintain natural character and open space.

The Bureau has determined that the applicant(s) is in line with the surrounding mixed uses found within the Dededo village and recommends that all conditions be addressed by the Agencies/Departments on the Board of the Application Review Committee (ARC).

Title 11 of the Guam Code Annotated Chapter 3 Alcohol Beverage Control, Subsection 3306. States in part, ".....the Board shall not issue an on-sale license for premises located within a distance of five hundred (500) feet from any church, hospital, or public or private school of general education where persons under the age of eighteen (18) are taught,......"

The Bureau acknowledges that the proposed activity is in line with providing food and beverage items customarily found within restaurant type of activities similar to this. The limitation is that the school across the street is affected by this requirement as it is well within the 500 foot distance; therefore, the Bureau advises Virgilio R. & Susan M. La Rosa that no alcohol can be sold for consumption within the applicant's premises.

Aquifer Protection. The subject property is not in the boundary of the Ground Water Protection Zone of the Northern Guam Lens Aquifer (NGLA) so any groundwater contamination is not impacted directly. The aquifer is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island population. Moreover, the U.S. Environmental Protection Agency has designated the NGLA a sole source aquifer for Guam's drinking water. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply.

It is with the above in mind that the Bureau remind the land owner that the proposed activities not be deviated upon without ARC and TLUC approval prior to any changes occurring.

**Erosion Control.** The alteration from vegetated areas to impervious surfaces such as buildings, driveways, parking lots, roads and other surfaces that prevent water from filtering into the ground to our landscape greatly increases the runoff volume created during storms.

BSP Position Statement ARC 2015-30 Page 3

Studies show that impervious surfaces can be directly correlated to increased runoff volumes as well as waterway velocities, erosion, and flooding. Controlling erosion and sediment runoff is a major factor in the protection of Guam's vital water resource.

The applicant is required to implement best management practices on site to control erosion and sediment before, during and after construction of the project. The applicant is advised to consult with Guam EPA for effective implementation of BMPs. These practices may include but are not limited to the following:

- 1. Install perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves the residential property.
- 2. Minimize unnecessary clearing and grading to preserve existing natural areas.
- 3. Stabilize construction entrance and install necessary perimeter controls and diversions.
- 4. Disturbed areas shall be stabilized as soon as feasibly possible after construction.
- 5. Steep slopes shall be protected from erosion by limiting clearing of these areas.
- 6. Where feasible, schedule construction during dry season.

For detailed information on the above listed practices, we refer the property owners to the CNMI and Guam Stormwater Management Manual, which may be obtained from our website <a href="https://www.bsp3.guam.gov">www.bsp3.guam.gov</a> under the Guam Coastal Management Program.

Low Impact Development (LID). The project site lies within the Mataguac Spring-Frontal Pacific Ocean Watershed. This area has seen an increase in impervious surfaces throughout the years. In between the years 2005 and 2011, the impervious surface area increased by more than 5.17 % according to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP). As surface area increases so does the risk of flooding and decreased water quality and in order to minimize negative impacts best management practices should be incorporated.

The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features and minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Impervious surfaces from roads, parking lots, driveways, sidewalks, and rooftops accelerate stormwater runoff.

The Bureau is concerned that once impervious surfaces are installed, commercial wastes are easily washed into the aquifer. If not managed, this activity can adversely impact Guam's drinking water source and surrounding neighbors if measures are not in place to manage runoff on the property.

The Bureau recommends the applicant to consider a green approach by implementing island bioretention, permeable parking and walkways, living roofs, grassed swales and/or rain gardens as a means to avoid or minimize runoff from their property. These approaches will

BSP Position Statement ARC 2015-30 Page 4

add great benefits such as low maintenance, stormwater management, aquifer recharge, beautification, and neighborhood collaboration and pride in accordance with the North and Central Guam Land Use Plan. An electronic file of the guidebook "Island Stormwater Practice Design Specifications" is available on the Bureau's, Guam Coastal Management Program's website <a href="https://www.bsp3.guam.gov">www.bsp3.guam.gov</a>.

**Historical and Archaeological Resources.** The Bureau recommends that the applicant provide coordination with Department of Parks and Recreation, State Historic Preservation Office to ensure the preservation, protection, excavation, and evaluation of specimens and sites pursuant to Historical Objects and Sites, 21 GCA, Chapter 76.

In light of the points presented above, the Bureau finds that although the subject lot is located in a residential zone, we find that the proposed commercial activity is compatible with its surrounding uses and with the NCGLUP. It is with all this in mind that the Bureau of Statistics and Plans recommends approval to the proposal as presented. Moreover, if this application is approved, the applicant must be required to comply with established laws and the recommendations stipulated above.

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect the public health, safety, and to promote the public welfare and convenience. We also encourage the applicant to protect Guam's natural resources and to ensure they are used in a sustainable manner. Si Yu'os Ma'ase'.

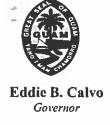
MANUEL O. CRUZ

cc: GEPA DPR

DPW

**GWA** 

**GPA** 



### Department of Parks and Recreation Government of Guam

490 Chalan Palasyo, Agana Heights, Guam 96910 Director's Office: (671) 475-6296/7; Fax (671) 477-0997 Parks Division: (671) 475-6288/9 Guam Historic Resources Division: (671) 475-6294/5

Facsimile: (671) 477-2822

Robert S. Lizama

William N. Reyes
Deputy Director

Bedararean di Leggi Man**ecane**nt

Ray Tenorio

Lt. Governor

In reply refer to: RC2017-0084

March 7, 2017

To:

Executive Secretary, Guam Land Use Commission

From:

Director, Department of Parks and Recreation

Subject:

DPR Position Statement on DLM Case No. 2017-06: Zone Variance for Use, Lot 4,

Block 15, Iglesia Circle, Dededo, Guam

We reviewed subject application submitted by Virgilio R. and Susan M. Larosa, applicants and owner of subject lot and residential home. The applicants are requesting approval of their Zone Variance for Use to operate within a R-1 Zone, a mini-canteen, eatery, and catering services, within their residential home, located at the corner lot of Redondo Luchan and Iglesia Circle in Dededo.

Based on our review, we have no historic preservation concerns with the proposed mixed residential and commercial use and have no objection with the subject application.

If you have any questions with regards to our position, please contact our office.

Robert S. Lizama

Director



## **GUAM WATERWORKS AUTHORITY**

Gloria B. Nelson Public Service Building 688 Route 15, Mangilao, Guam 96913

**MEMORANDUM** 

March 16, 2017

TO:

Director, Department of Land Ma

FROM:

Miguel C. Bordallo, P.E., General Manager

SUBJECT:

Position Statement on Application 2017-06 for a Zone Use

Variance for Lot 4, Block 15 in a "R-1" Zone in the Municipality of

Dededo

APPLICANT(S):

Virgilio and Susan La Rosa

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a zone use variance for a proposed mini-canteen/eatery and catering service within a portion of an existing residential structure.

This memorandum shall serve as GWA's position statement to the zone use variance request related to availability of water and sewer infrastructures to serve the subject lot. This position statement shall not be construed as notice that water and sewer systems have the capabilities to accommodate the proposed development including fire flow without on-site or off-site improvements. Any extension of the water and sewer systems and/or capacity upgrades required to serve property shall be subject to the rules and regulations of GWA. Any required extension to the existing facilities to serve the subject properties shall be at expense of the applicant.

Given the information provided in the application, GWA supports the proposed zone use variance request with the conditions listed below. The conditions shall be met after approval of the zone variance and prior to the start of food service operations.

(1) If the existing water meter will service both the residence and the food service facility, then the applicant shall change the GWA account from residential to commercial. Note that water and sewer rates will change. If a new water meter will be installed to serve the food service facility, then the new meter will be registered under a commercial account.

(2) The applicant shall install a GWA-approved backflow prevention device. Failure of the applicant to comply with backflow prevention requirements may be subject to discontinuance of water and/or sewer service, per Guam Administrative Rules and Regulations Title 28 Chapter 2 Article 1 §2114.

Guam 4. 3/20/ Page 2
GWA Position Statement
ARC Application No. 2017-06
Applicants: Virgilio and Susan La Rosa

(3) The applicant shall install a GWA-approved grease trap. Failure of the applicant to comply with grease trap requirements may result in discontinuance of sewer service and additional charges, per Guam Administrative Rules and Regulations Title 28 Chapter 2 Article 1 §2120. Failure may also result in referral to Guam EPA.

For additional information, including backflow preventer and grease trap requirements, contact Mauryn McDonald, P.E., Permits and New Area Development Supervisor, at 300-6054.

Street Address: 590 S. Marine Corps Drive Suite 733 ITC Building Tamuning, GU 96913

> Mailing Address: P.O. Box 2950 Hagátña, GU 96932

> Website: http://land.guam.gov

E-mail Address: dlmdir@land.guam.gov

Telephone: 671-649-LAND (5263)

Facsimile: 671-649-5383



#### ATTACHMENT D





MICHAEL J.B. BORJA Director

DAVID V. CAMACHO Deputy Director

EDDIE BAZA CALVO Governor

RAY TENORIO Lieutenant Governor

January 31, 2018

**MEMORANDUM** 

TO:

Chairman, Guam Land Use Commission

FROM:

**Guam Chief Planner** 

SUBJECT:

Staff Report - Application 2017-44

Request for a Tentative Subdivision Plan

Lot 5-R4, Tract 31002 in the Municipality of Agat

(Jupiter Juno Co. Ltd. c/o Ignacio Santos)

### 1. PURPOSE:

- a. Application Summary: The applicant, Jupiter Juno Co., Ltd., represented by Ignacio Santos is requesting approval of a Tentative Subdivision to create a subdivision consisting of Thirty (30) Single Family residential lots, Two (2) ponding basin lots, and One (1) playground/park lot for a total of Thirty-Three (33) lots on Lot 5-R4, Tract 31002 in the Municipality of Agat.
- b. Legal Authority: Title 21, GCA, Chapter 62, Article 2, Section 62201 thru 62204; Article 4, Section 62401; Article 5, Section 62501 thru 62504, Subdivision Law.

### 2. FACTS:

- a. Location: Lot 5-R4, Tract 31002 is located within the municipal district of Agat. The proposed project is accessible from Umang Road Via Route 2. Public egress and ingress to the subject lot occurs through a fifty-feet (50'-0") wide public access and utility easement (Umang Street).
- b. Lot Area: 5.93 Acres or 24,033 Square Meters or 258,689 Square Feet.
- c. Present Zoning: "R-2" (Multi Family Dwelling) Zone.

- d. Field Description: The property is currently vacant with savanna grassland overlay. The property exhibits slopes that are generally long and planar. A creek runs through its northern portion of the property.
- e. Masterplan: Conservation
- f. Community Design Plan: Open Space
- g. Previous Commission Action: In August 1987, the Territorial Planning Commission re-zoned the Basic Lot 264 from "A" to "R-2" zone.

## 3. APPLICATION CHORNOLOGICAL FACTS:

- a. Date Application Accepted: August 15, 2017
- b. Date Heard by ARC: September 7, 2017
- c. Public Hearing Results: Not required.

#### 4. STAFF ANALYSIS:

The applicant's intent is to create a subdivision consisting of:

- a. Thirty (30) single family residential lots ranging in size from 5,025 square feet to 7,711 square feet, one a recreation/park area;
- b. Two (2) ponding basins at 9,778 square feet and 3,321 square feet. A runoff drainage system, to include the ponding basins is also to be developed to address all on site runoff and all common areas to include the recreation area/park is to be developed and landscaped appropriately for recreational use.; and
- c. A proposed forty (40) feet wide public access and utility easement, complete with paved roads, sidewalks, curbs and gutters, storm drainages, streetlights, fire hydrants, power, water and services for telephone and cable TV. All utility infrastructure servicing the lots will be located underground within the subdivision.

The applicant in its efforts to address issues of public health, safety and general welfare has been coordinating with the various government entities

to ensure compliance of requirements are adhered to with respect to addressing and accommodating adequate connection to public infrastructure such as public sewer system, public water system and required number of fire hydrants. The applicant further asserts coordination with appropriate agencies to secure full improvement design(s) of the proposed Rights-of-Way to accommodate traffic movement, safe access for emergency vehicle travel, sidewalks, utilities, streetlights and approved entrance/exits to and from the subdivision, and adequate storm water system leading to two bio-retention ponds. In addition, the applicant is to provide landscaping within the residential and open/playground areas.

#### 5. RECOMMENDATION:

Based on the submitted application and supporting information, the applicant's continuing efforts to work with the various government entities, and the responses from members of the ARC, we recommend <u>APPROVAL</u> upon the condition that the applicant take into account and adhere to the ARC conditions and requirements as stipulated on their official Position Statements, specifically addressing:

- a. The applicant must work with the Department of Public Works to provide adequate road widths to facilitate safe and efficient ingress/egress to and from the subdivision. Such coordination must include input from the Guam Chief Planner;
- b. The applicant shall provide adequate full improvement infrastructure to address intended residential use. This shall be vetted and approved by pertinent government entities and as required pursuant to Title 21GCA, Chapter 62, Section 62401 at the time of approval of this request and Title 21GCA, Chapter 62, Section 62402 at the time the applicant requests for approval of a final subdivision;
- c. Plans prepared for final subdivision approval shall contain elements of surface water runoff containment as recommended by the Bureau of Statistics & Plans. The applicant and/or his agent responsible for site development must coordinate and consult with BSP on designs to achieve surface and storm water containment and the removal and/or discharge of such material with means to insure water quality thresholds are achieved prior to discharge. The applicant must also work with the Guam Environmental Protection Agency with respect to insuring said techniques or methodology for surface water runoff containment and water quality

Page 4

Environmental Protection Agency with respect to insuring said techniques or methodology for surface water runoff containment and water quality protection standards remain consistent with applicable regulatory requirements; and

- d. This tentative subdivision plan shall be reviewed and approved by the Survey Division of the Department of Land Management within a time line appropriate to allow for due diligence review pursuant to Title 21GCA Chapter 60, Articles 5 through 8 prior to submitting a request for approval for a final subdivision plan.
- e. If approved, the requested Tentative Subdivision Plan shall be for one (1) year pursuant to Title 21GCA Chapter 60, §62205, commencing on the date of approval. Within a reasonable time, the applicant may request for an extension of the one (1) year timeline *prior* to the determined one-year expiration date.

MARVIN Q. AGUILAR

Case Planner: Celine Cruz

Street Address: 590 S. Marine Corps Drive Suite 733 ITC Building Tamuning, GU 96913

Mailing Address: P.O. Box 2950 Hagatña, GU 96932

Website:

E-mail Address: dlmdir@land.guam.gov

Telephone: 671-649-LAND (5263)

Facsimile: 671-649-5383



# DIPÅTTAMENTON MINANEHAN TÅNO' (Department of Land Management) GUBETNAMENTON GUÅHAN (Government of Guam)



EDDIE BAZA CALVO Governor

RAY TENORIO Lieutenant Governor



MICHAEL J.B. BORJA Director

DAVID V. CAMACHO Deputy Director

January 30, 2018

**MEMORANDUM** 

TO: Guam Land Use Commission (GLUC) Members

FROM: Chairman, Application Review Committee (ARC)

SUBJECT: Summary of Positions Submitted by ARC

RE: Application No. 2017-44 (Tentative Subdivision)

Listed below is the compilation of Positions taken by the various ARC member agencies as submitted to Planning Division, Department of Land Management. The conditions as imposed by the ARC member agencies are listed when applicable.

## **DEPARTMENT OF LAND MANAGEMENT (DLM):**

Planning staff recommends Approval with the following condition:

A. That the approval is subject to the ARC conditions and requirements as stipulated in their Official Position Statement.

#### **GUAM POWER AUTHORITY (GPA):**

GPA has reviewed the application and submits the following position statement:

- A. Comments and Recommendations Concerning GPA requirements:
  - 1. Customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:
    - a. Coordinate overhead/underground power requirements with GPA Engineering for new structures;
    - b. Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electric Code;
    - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements;
    - d. Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection;
    - e. Provide scheduling and magnitude of project power demand requirements for new loads;

Continuation of Memorandum Ref: ARC Summary of Position Statements - Application No. 2017-44 January 30, 2018 Page 2 of 8

- f. All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials;
- e. GPA reserves its easement rights established under document numbers 257393, 643515 and map 200FY2013.
- 2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations;
- 3. A system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities:
- 4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.
- B. General Comments:

GPA has no objection to the request subject to the conditions cited above.

## **BUREAU OF STATISTICS AND PLANS (BSP):**

The Bureau of Statistics and Plans (Bureau) has completed its review of the subject application and provides the following comments and recommendations.

Erosion Control. The Bureau is concerned that the prosed construction of thirty (30) single family homes will trigger adverse effects in the watershed if measures are not in place to control erosion and sedimentation during and after construction of the project. Controlling sedimentation from construction sites is a priority with regards to stormwater controls and impacts to receiving water bodies within the project site. Moreover, the proposed project increases impervious surfaces in the form of roads, rooftops, driveways, sidewalks and parking lots. These surfaces greatly increase runoff volume accelerating erosion and carrying pollutants into the aquifer.

The Bureau recommends that the applicant:

 Implement best management practices (BMPs) to manage stormwater runoff on site, prevent runoff from flooding surrounding neighbors, and avoid contaminating Guam's watersheds in accordance with the CNMI and Guam Stormwater Management Manual.

The Bureau requires the applicant to incorporate bio-retention features to the paved roads and modify the road slope plan so the islands serve as a feature to help manage storm-water. Additional BMPs may be found in the manual in the Bureau's website <a href="www.bsp.guam.gov">www.bsp.guam.gov</a> under the Guam Coastal Management Program.

 Consult with Guam EPA for an aquifer protection review pursuant to the "Federal Safe Drinking Water Act," §1424 and Guam Safe Drinking Water Act," 10 GCA Chapter 53. Continuation of Memorandum Ref: ARC Summary of Position Statements - Application No. 2017-44 January 30, 2018 Page 3 of 8

3. Coordinate with the Guam Waterworks Authority (GWA) for water resource conservation and ensure the Northern Guam Lens Aquifer (NGLA) is protected through compliance with the "Water Pollution Control Act," 10 GCA Chapter 47; "Water Resources Conservation Act," 22 GCA Chapter 5; 10 GCA Chapter 46, as amended by P.L. 17-97, and the Guam Water Resource Development & Operating Regulations.

Controlling erosion and sediment flow from construction sites are a priority with regard to stormwater impacts to receiving water bodies within the project site. The Bureau recommends that Mr. Jupiter Juno Inc. prevent adverse impacts from construction site runoff by employing BMPs. These BMPs include the following, but are not limited to:

- Install perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves a construction site.
- 2. Minimize unnecessary clearing and grading to preserve existing natural areas.
- 3. Stabilize construction entrance and install necessary perimeter controls and diversions.
- 4. Disturbed areas shall be stabilized as soon as feasibly possible after construction.
- 5. Steep slopes shall be protected from erosion by limiting clearing of these areas.
- 6. Where feasible, schedule construction during dry season.

Detailed information and other BMPs are listed in the CNMI and Guam Stormwater Management Manual and the Guam Erosion and Sediment Control Field Guide that can be obtained from the Bureau's website <a href="www.bsp.guam.gov">www.bsp.guam.gov</a>, under Guam Coastal Management Program.

Low Impact Development (LID) and Stormwater Management. The project site also lies within the Agat Bay Watershed. This area has seen an increase in impervious surfaces throughout the years. In between the years 2005 and 2011, the impervious surface area increased by 0.01 to 0.03 percent according to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP). As surface area increases so does the risk of flooding and degradation of water quality. The Bureau is concerned that additional impervious surfaces may exacerbate flooding in the area and surrounding neighbors if BMPs are not in place to manage runoff on the property.

The LID approach works with nature to manage storm water as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features while minimizing the use of impervious surfaces to create functional and appealing site drainage that treats storm water as a resource rather than a waste product.

Continuation of Memorandum Ref: ARC Summary of Position Statements - Application No. 2017-44 January 30, 2018 Page 4 of 8

Considering the growing concerns of flooding due to increased impervious surface, the applicant must be required to implement LID practices such as permeable parking and walkways, grassed swales, island bio-retentions, green roofs, and/or rain gardens into the landscape as a means to reduce runoff and control erosion from their property. An electronic file of the Island Stormwater Practice Design Specifications is available on the Bureau's website at <a href="www.bsp.guam.gov">www.bsp.guam.gov</a> under the Guam Coastal Management Program, and the LID practices should also comply with the Guam Erosion & Sediment Control Regulations, 22GAR - GEPA Division II - Water Control Chapter 10. available at Guam Environmental Protection Agency (GEPA).

Native Flora. Protection from invasive species is critical to preserving Guam's native plant and animal species. Therefore, the applicants are advised to avoid the use of invasive plants in their landscape plan. The use of native plants requires little to no fertilizer for growth. The Bureau encourages consultation with the Department of Agriculture's Division of Forestry and Sol. Resources on using native plants and organic fertilizers to avoid additional contaminants from entering the aquifer. The applicant should also seek guidance from Guam EPA regarding their Pesticide Control Program.

**Historic Preservation.** The applicant must obtain concurrence from the Department of Parks and Recreation, Historic Preservation Division that the proposed development does not affect historic properties.

In conclusion, the Bureau recommends **Approval with conditions** and finds that construction activities and impervious surfaces from the proposed project can adversely affect Guam's sole source aquifer and surrounding neighbors if best management practices are not in place to manage stormwater runoff on site. Therefore, the Bureau advises the applicant Jupiter Juno to comply with the above conditions if this application is approved.

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect public health, safety, and to promote the public welfare and convenience. We also encourage the applicant Jupiter Juno Mu to protect Guam's natural resources and to ensure they are used in a sustainable manner. Si Yu'os Ma'ase'.

### **DEPARTMENT OF PARKS AND RECREATION (DPR):**

We have been in consultation with the applicant regarding future development in subject lot, as well as, within the three other lots adjoining Lot 5-R4 that the applicant also own. There is already an approved Archaeological Monitoring and Discovery Plan (AMDP) that addresses the archaeological requirements of the proposed subdivision and the three lots.

The applicant is also required to address the recreational requirements for the subdivision that must be reviewed and approved by the Department of Parks and Recreation.

Continuation of Memorandum Ref: ARC Summary of Position Statements - Application No. 2017-44 January 30, 2018 Page 5 of 8

The applicant must coordinate with the project consultant archaeologist before any ground disturbing activity is allowed to proceed. The subject development must go through the proper DPW permitting process for reviews by the different agencies, including the Department of Parks and Recreation, and may be subject to additional development requirements as well as changes in the Scope of Work of the AMDP. Therefore, we have no objection to the approval of subject application.

## **GUAM WATERWORKS AUTHORITY (GWA):**

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a tentative subdivision application approval for the proposed construction of thirty-one (31) single-family dwelling units with full improvements, in an "R2" (Multi-Family Dwelling) zone.

This memorandum shall serve as GWA's position statement to the above zone tentative subdivision application related to availability of water and sewer infrastructures to serve the above subject lot. This position statement shall not be construed as notice that water and sewer systems have the capabilities to accommodate the proposed development including fire flow without on-site or off-site improvements. Any extension of the water and sewer systems and/or capacity upgrades required to serve the property shall be subject to the rules and regulations of GWA. Any required extension to the existing facilities to serve the subject properties shall be at expense of the applicant.

Given the information provided in the application and field observations, the following comments are conditions for GWA's position in favor of the approval of this tentative subdivision application:

- 1. The applicant must provide GWA with site development plans to construct the proposed development. The site development plans must illustrate the proposed point of connection for water and sewer and is subject to GWA inspection and approval. Submittals shall include water and sewer design calculations and complete drawings and specifications. Design calculations shall include proposed water demand calculations including fire-flow and sewer production calculations.
- 2. GWA requires the applicant to coordinate with the GWA Engineering Department at least six months prior to building permit application submittal. Discussions shall include the proposed water demand and sewer production calculations in order to determine if existing facilities can accommodate the proposed development and if any off-site infrastructure improvements may be necessary. Offsite utility available capacity may not be sufficient to serve the proposed development. The water system capacity is a concern, given the proposed project's density and elevation.
- 3. If off-site water and sewer infrastructure improvements are installed by the developer, they will require prior approval from GWA, must meet GWA standards, be constructed in the public easement or right of way, and shall be subject to inspection by GWA. GWA's approval of the occupancy will be contingent upon the completion of offsite improvements.

Any infrastructure improvements will be at the expense of the applicant, including any required land acquisition to construct utility improvements. The developer shall register maps and documents for new public rights of way or utility easements with the Department of Land Management and provide copies to GWA.

- 4. Developers and subdivision owners who have installed water and/or wastewater pump stations whose sole purpose is to serve only the proposed development or subdivision, and consequently have no excess capacity to serve customers beyond the boundaries of said development or subdivision, shall be required to maintain their own pump station(s) and force main(s) in proper working condition to the satisfaction of GWA.
- 5. A construction manager hired by the developer shall oversee water and sewer infrastructure construction. A quality control document containing construction records and pictures shall be provided to GWA, to document construction practices and installed materials. GWA shall be provided with construction schedules, so that inspections may be conducted during construction.
- 6. GWA water meters must be installed in a public right of way or easement. If there is no public right of way or easement within the subdivision, then a master water meter shall be installed on the public right of way or easement near the entrance to the subdivision. All water and sewer utilities downstream of the master meter shall be the developer's responsibility to maintain and operate.

If there will be a public right of way or easement through the subdivision and the developer intends to request that GWA assume ownership of the subdivision's water and sewer utilities, then GWA must have 24-hour access to utility rights of way/easements. GWA must approve the access method to the subdivision, the developer shall register the appropriate documentation (such as a utility grant of right of way) with DLM.

- 7. Backflow prevention devices are required for non-residential activities, swimming pools, or when a development will be served by a master meter.
- 8. New development is subject to water and/or sewer system development charges.
- 9. Privately-owned water tanks might be limited to a maximum fill rate to avoid adverse impacts to the public water system.
- 10. Sewer load discharges to the public sewer system might be limited to certain times of day at certain rates to avoid adverse impacts to the receiving public sanitary sewer system.
- 11. Certain activities are subject to sewer pre-treatment requirements. Grease traps or interceptors are required for food service establishments. Oil-water separators are required for vehicle maintenance activities.

Continuation of Memorandum
Ref: ARC Summary of Position Statements - Application No. 2017-44
January 30, 2018
Page 7 of 8

- 12. Only wastewater shall be discharged to the sanitary sewer system. Storm water, pool water, and pool backwash water discharge to the sanitary sewer system is prohibited.
- 13. After a GWA utility service account is opened, the account holder is responsible for informing GWA of onsite activity changes that may affect the account's classification and utility service requirements. Activity changes include, but are not limited to, laundry, food service, and vehicle maintenance activities.

This GWA Position Statement shall remain valid for 365 calendar days from the date (October 12, 2017) of this response.

#### **DEPARTMENT OF PUBLIC WORKS (DPW):**

Attached herewith are the requirements and conditions provided from the Department of Public Works, (DPW).

DPW recommends approval, subject to the comments reviewed by the Application Review Committee (ARC) with conditions that prior to building permit application, a complete set of design drawings must be submitted with all the engineering disciplines that are needed in the project and must comply with the applicable rules and regulations. Design drawings must also conform to the latest building code requirements prior to issuance of building permit. The Department of Public Works, (DPW) is providing these conditions to be in place as part of the requirements on the subject application 2017-44.

#### STORM WATER DISPOSAL

Show storm drainage disposal with details in the final drawings and to be supported by calculations. No run off in the surrounding properties or the streets.

2. TRAFFIC GENERATIONS

A traffic impact analysis/ study must be coordinated with DPW, Division of Highways (traffic management control section).

3. PARKING REQUIREMENTS

Show parking lay out and detail of parking stalls (compact, standard and accessible stalls), and must meet the American Disability Act (ADA) requirements.

4. ACCESS ROAD

The entrance/ exit, sidewalks and pedestrian must be wide enough for public access and shall he in conformance to the Guam Highway Master Plan. Must be coordinated with DPW, Division of Highways, (rights of way section).

5. STREETLIGHTS

The developer shall be responsible for the streetlights and must be coordinated with DPW, Division of Highways (traffic management control section).

6. FLOOD ZONE

The applicant, is required to hire a professional engineer to perform hydrologic and hydraulic analysis which meet the current Federal Emergency Agency (FEMA) for flood insurance study standards and must be licensed to do business in Guam.

7. PARKS AND PLAYGROUNDS

The construction of parks and playgrounds including landscaping must be design in detail and make use of its physical and biological resources which will have a great impact to the environment.

Continuation of Memorandum Ref: ARC Summary of Position Statements - Application No. 2017-44 January 30, 2018 Page 8 of 8

#### 8. SOLID WASTE

Provide solid waste composition

#### 9. TRANSPORTATION

To coordinate with DPW, Bus Operations Divisions for the bus shelter designated location, and must not hinder the (entry exit) public access to the housing area.

#### 10. OTHERS

Comply with all the Geotechnical requirements related to site preparations. Ecological planning is needed to ensure the conservation of its resources. All structure, including accessory, structures, shall not cover more than 30% of the area.

## **GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA):**

Has not submitted Position Statement as of Staff Report date

## **DEPARTMENT OF AGRICULTURE (DoAg):**

Has not submitted Position Statement as of Staff Report date

#### **DEPARTMENT OF CHAMORRO AFFAIRS (DoCA):**

Has not submitted Position Statement as of Staff Report date.

## **GUAM FIRE DEPARTMENT (GFD):**

Has not submitted Position Statement as of Staff Report date.

## **DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPH&SS):**

Has not submitted Position Statement as of Staff Report date.

#### **GUAM PUBLIC SCHOOL SYSTEM (GPSS):**

Has not submitted Position Statement as of Staff Report date.

.

Attachments: ARC Position statements
Cc: Executive Secretary, GLUC

Aguilar

Eddie Baza Calvo Governor of Guam



SAGAN PLANU SIHA YAN EMFOTMASION

Government of Guam P.O. Box 2950 Hagåtña, Guam 96932 Tel: (671) 472-4201/3 Fax: (671) 477-1812



Director Manuel Q. Cruz Deputy Director

Ray Tenorio Lieutenant Governor

NOV 3 D 2017

**MEMORANDUM** 

Chairman, Guam Land Use Planning

Via:

Executive Secretary, Department of Land Management

From:

Director, Bureau of Statistics and Plans

**Subject:** 

APPLICATION NO. 2017-44; LOCATION: Tract 31002 Lot No. 5-R4

Agat; APPLICANT: Jupiter Juno; PROPOSED USE: Tentative Subdivision for Construction of thirty (30) single family dwelling units

Håfa Adai! The applicant, Jupiter Juno Inc., represented by Ignacio F. Santos is requesting for a tentative subdivision for the proposed construction of thirty (30) single family dwellings on Tract 31002 Lot 5-R4 in an R2 multi-family dwelling zone in the municipality of Agat. The proposed project is also comprised of a recreational park area, ponding basin, and the required curb and sidewalks.

The property is zoned R2 Multi-Family Dwelling and is approximately 24,033 square meters or 258,689 feet or nearly 6.5 acres in size. The undeveloped property is located in Umang street just off Route 2 in Agat. Surrounding land uses are primarily single residential homes.

The Bureau of Statistics and Plans (Bureau) has completed its review of the subject application and provides the following comments and recommendations:

Erosion Control. The Bureau is concerned that the proposed construction of thirty (30) single family homes will trigger adverse effects in the watershed if measures are not in place to control erosion and sedimentation during and after construction of the project. Controlling sedimentation from construction sites is a priority with regards to stormwater controls and impacts to receiving water bodies within the project site. Moreover, the proposed project increases impervious surfaces in the form of roads, rooftops, driveways, sidewalks, and parking lots. These surfaces greatly increase runoff volume accelerating erosion and carrying pollutants into the aquifer.

The Bureau recommends that the applicant:

1. Implement best management practices (BMPs) to manage stormwater runoff on site, prevent runoff from flooding surrounding neighbors, and avoid contaminating Guam's watersheds in accordance with the CNMI and Guam Stormwater Management Manual.

The Bureau requires the applicant to incorporate bio-retention features to the paved roads and modify the road slope plan so the islands serve as a feature to help manage storm-water. Additional BMPs may be found in the manual in the Bureau's website <a href="https://www.bsp.guam.gov">www.bsp.guam.gov</a> under the Guam Coastal Management Program.

- 2. Consult with Guam EPA for an aquifer protection review pursuant to the "Federal Safe Drinking Water Act," §1424 and Guam Safe Drinking Water Act," 10 GCA Chapter 53.
- 3. Coordinate with the Guam Waterworks Authority (GWA) for water resource conservation and ensure the Northern Guam Lens Aquifer (NGLA) is protected through compliance with the "Water Pollution Control Act," 10 GCA Chapter 47; "Water Resources Conservation Act," 22 GCA Chapter 5; 10 GCA Chapter 46, as amended by P.L. 17-97, and the Guam Water Resource Development & Operating Regulations.

Controlling erosion and sediment flow from construction sites are a priority with regard to stormwater impacts to receiving water bodies within the project site. The Bureau recommends that Mr. Jupiter Juno Inc. prevent adverse impacts from construction site runoff by employing BMPs. These BMPs include the following, but are not limited to:

- 1. Install perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves a construction site.
- 2. Minimize unnecessary clearing and grading to preserve existing natural areas.
- 3. Stabilize construction entrance and install necessary perimeter controls and diversions.
- 4. Disturbed areas shall be stabilized as soon as feasibly possible after construction.
- 5. Steep slopes shall be protected from erosion by limiting clearing of these areas.
- 6. Where feasible, schedule construction during dry season.

Detailed information and other BMPs are listed in the CNMI and Guam Stormwater Management Manual and the Guam Erosion and Sediment Control Field Guide that can be obtained from the Bureau's website <a href="https://www.bsp.guam.gov">www.bsp.guam.gov</a> under Guam Coastal Management Program.

Low Impact Development (LID) and Stormwater Management. The project site also lies within the Agat Bay Watershed. This area has seen an increase in impervious surfaces throughout the years. In between the years 2005 and 2011, the impervious surface area increased by 0.01 to 0.03 percent according to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP). As surface area increases so does the risk of flooding and degradation of water quality. The Bureau is concerned that additional impervious surfaces may exacerbate flooding in the area and surrounding neighbors if BMPs are not in place to manage runoff on the property.

The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features while

BSP Position Statement TS Application No. 2017-44 Page 3

minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product.

Considering the growing concerns of flooding due to increased impervious surface, the applicant must be required to implement LID practices such as permeable parking and walkways, grassed swales, island bio-retentions, green roofs, and/or rain gardens into the landscape as a means to reduce runoff and control erosion from their property. An electronic file of the Island Stormwater Practice Design Specifications is available on the Bureau's website at <a href="https://www.bsp.guam.gov">www.bsp.guam.gov</a> under the Guam Coastal Management Program, and the LID practices should also comply with the Guam Erosion & Sediment Control Regulations, 22GAR - GEPA Division II – Water Control Chapter 10. available at Guam Environmental Protection Agency (GEPA).

Native Flora. Protection from invasive species is critical to preserving Guam's native plant and animal species. Therefore, the applicants are advised to avoid the use of invasive plants in their landscape plan. The use of native plants requires little to no fertilizer for growth. The Bureau encourages consultation with the Department of Agriculture's Division of Forestry and Soil Resources on using native plants and organic fertilizers to avoid additional contaminants from entering the aquifer. The applicant should also seek guidance from Guam EPA regarding their Pesticide Control Program.

**Historic Preservation.** The applicant must obtain concurrence from the Department of Parks and Recreation, Historic Preservation Division that the proposed development does not affect historic properties.

In conclusion, the Bureau recommends **Approval with conditions** and finds that construction activities and impervious surfaces from the proposed project can adversely affect Guam's sole source aquifer and surrounding neighbors if best management practices are not in place to manage stormwater runoff on site. Therefore, the Bureau advises the applicant Jupiter Juno to comply with the above conditions if this application is approved.

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect public health, safety, and to promote the public welfare and convenience. We also encourage the applicant Jupiter Juno Mu to protect Guam's natural resources and to ensure they are used in a sustainable manner. Si Yu'os Ma'ase'.

MANUEL Q. CRUZ

ACTING

cc: GEPA

DDIA

DPW

GWA

DPR

**GPA** 



Eddie B. Calvo Governor Ray Tenorio Lt. Governor

## Department of Parks and Recreation Government of Guam

490 Chalan Palasyo, Agana Heights, Guam 96910 Director's Office: (671) 475-6288 Parks Division: (671) 475-6291 Guam Historic Resources Division: (671) 475-6294/5

Facsimile: (671) 477-2822



William N. Reyes
Director
John P. Taitano
Deputy Director

In reply refer to: RC2017-0097

December 20, 2017

To:

Executive Secretary, Guam Land Use Commission

From:

Director, Department of Parks and Recreation

Subject:

DPR Position Statement on DLM Application No. 2017-44:

Application for Tentative Subdivision for Lot No. 5-R4, Agat, Guam

We reviewed subject application submitted by Ignacio F. Santos, Land-Use Planner and authorized representative, on behalf of Jupitor Juno Co. Ltd., the applicant and owner of subject lot. The applicant is petitioning Guam Land Use Commission's approval to construct a thirty (30) single-family subdivision at the Umang area located within the Municipality of Agat.

We have been in consultation with the applicant regarding future development in subject lot, as well as, within the three other lots adjoining Lot 5-R4 that the applicant also own. There is already an approved Archaeological Monitoring and Discovery Plan (AMDP) that addresses the archaeological requirements of the proposed subdivision and the three lots.

The applicant is also required to address the recreational requirements for the subdivision that must be reviewed and approved by the Department of Parks and Recreation.

The applicant must coordinate with the project consultant archaeologist before any ground disturbing activity is allowed to proceed. The subject development must go through the proper DPW permitting process for reviews by the different agencies, including the Department of Parks and Recreation, and may be subject to additional development requirements as well as changes in the Scope of Work of the AMDP. Therefore, we have no objection to the approval of subject application.

If you have any questions with regards to our position, please contact our office.

Sincerely

Director

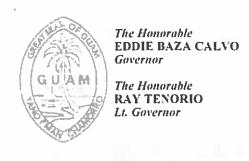
Cc:

Ignacio F. Santos, Land-Use Planner-Authorized Representative-<u>Ifsplanner77@gmail.com</u>

David G. DeFant, SEARCH Inc-david.defant@searchinc.com

Jay Kim, Duly Authorized Representative-gemma@basecorpguam.com

WOKE.





GLENN LEON GUERRERO
Director
ARLEEN U. PIERCE
Acting Deputy Director

#### **MEMORANDUM**

TO:

Director,

Department of Land Management

FROM:

Director,

Department of Public Works

SUBJECT:

Applicant:

Jupiter Juno Co. Ltd.

Application: Position Statement No. 2017-44

Tentative Subdivision in an ("R-2") Zone

Lot 5-R4, Agat, Guam

Buenas yan Hafa Adai! Applicant is proposing to construct a residential subdivision consisting of thirty (30) single family dwelling units. Access easements within the subdivision area will be 40 feet. The on site improvements of the subdivision consists of paved roads, sidewalks, curbs, gutters, storm drainage, streetlight, fire hydrants, power, water, services for telephone and cable TV. All utilities servicing the lots will be located underground. The property is currently zoned "R-2" (Multi-Family Dwelling) with a total land area of 24,033 square meters (258,689) sq. feet.

Attached herewith are the requirements and conditions provided from the Department of Public Works, (DPW).

DPW recommends approval, subject to the comments reviewed by the Application Review Committee (ARC) with conditions that prior to building permit application, a complete set of design drawings must be submitted with all the engineering disciplines that are needed in the project and must comply with the applicable rules and regulations. Design drawings must also conform to the latest building code requirements prior to issuance of building permit.

Should you have any questions, please contact Linda Ibanez, In- Charge of CIP or Maryrose M. Wilson at the Division of Capital Improvement Projects (CIP) at 646-3209 or 646-3224.

GLENN LEON GUERRERO

Llbanez/ MRWilson

The Department of Public Works, (DPW) is providing these conditions to be in place as part of the requirements on the subject application 2017-44.

#### I. STORM WATER DISPOSAL

Show storm drainage disposal with details in the final drawings and to be supported by calculations. No run off in the surrounding properties or the streets.

#### 2. TRAFFIC GENERATIONS

A traffic impact analysis/ study must be coordinated with DPW, Division of Highways (traffic management control section).

## 3. PARKING REQUIREMENTS

Show parking lay out and detail of parking stalls (compact, standard and accessible stalls), and must meet the American Disability Act (ADA) requirements.

#### 4. ACCESS ROAD

The entrance/ exit, sidewalks and pedestrian must be wide enough for public access and shall be in conformance to the Guam Highway Master Plan. Must be coordinated with DPW, Division of

Highways (rights of way section).

#### 5. STREETLIGHTS

The developer shall be responsible for the streetlights and must be coordinated with DPW, Division of Highways (traffic management control section).

#### 6. FLOOD ZONE

The applicant, is required to hire a professional engineer to perform hydrologic and hydraulic analysis which meet the current Federal Emergency Agency (FEMA) for flood insurance study standards and must be licensed to do business in Guam.

#### 7. PARKS AND PLAYGROUNDS

The construction of parks and playgrounds including landscaping must be design in detail and make use of its physical and biological resources which will have a great impact to the environment.

#### 8. SOLID WASTE

Provide solid waste composition

#### 9. TRANSPORTATION

To coordinate with DPW, Bus Operations Divisions for the bus shelter designated location, and must not hinder the (entry/exit) public access to the housing area.

#### 10. OTHERS

Comply with all the Geotechnical requirements related to site preparations. Ecological planning is needed to ensure the conservation of its resources. All structure, including accessory, structures, shall not cover more than 30% of the area.



# **GUAM POWER AUTHORITY**

ATURIDÅT ILEKTRESEDÅT GUAHAN P.O.BOX 2977 • AGANA. GUAM U.S.A. 96932-2977

September 26, 2017

MB10/2

#### MEMORANDUM

To:

Chairman, Guam Land Use Commission

Executive Secretary, Guam Land Use Commission

From:

General Manager

Subject:

Lot 5-R4, Municipality of Agat, (Jupiter Juno Co. Ltd); Tentative Subdivision

Application to construct 30 Single Family Dwellings. Application No. 2017-44

Guam Power Authority has reviewed the application described above and submits the following position statement:

#### A. Comments and Recommendations Concerning GPA requirements:

- Customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:
  - Coordinate overhead/underground power requirements with GPA Engineering for new structures.
  - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code.
  - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements.
  - Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection.
  - Provide scheduling and magnitude of project power demand requirements for new loads.
  - All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials.
  - GPA reserves its easement rights established under document number 257393, 643515 and map 200FY2013.
- 2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.
- 3. A system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities.
- 4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

B. General Comments

GPA has no objection to the request subject to the conditions cited above.

JOHN M. BENAVENTE, P.E.

abox 1

ASG/arp

#### INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: Guam Power Authority

Applicant: Jupiter Juno Co. Ltd Location: Lot 5-R4, Agat

Type of Application: Tentative Subdivision GLUC/GSPC Application No. 2017-44

**Brief Project Description:** 

To construct 30 Single Family Dwellings.

For the purposes of this Certification, GOVERNMENT SERVICES, FACILITIES, and INFRASTRUCTURE include, but are not limited to: power lines poles and facilities; water lines, pumps and facilities; sewer and liquid waste disposal; storm water disposal; solid waste disposal; telephone lines and facilities; schools; health facilities; police and fire fighting service and facilities; roads; traffic and street lights; parks and recreational activities.

	reby certify that the rec RASTRUCTURE are of Yes	currently AVAILA			project:	
I he	If the answer to #1 above is YES, then: I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently ADEQUATE to support this project:					
	Yes 🗌	1	lo 🗵			
plac serv	3. If the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE currently in place are NOT AVAILABLE or they are AVAILABLE, BUT NOT ADEQUATE, itemize the services, facilities and infrastructure that are needed, the estimated cost thereof and whether funds are currently available and identified to develop such services, facilities and infrastructure:					
Services, Fac	cilities and	Cost of Upgrades	Funds	Date Available	Funds	
Infrastructure	e Needed		Available		Identified	
Please see co	mments below					

I hereby certify that the foregoing is true and correct to the best of my knowledge.

JOHN M. BENAVENTE, P.E. General Manager 9/29/17

Date

Comments:

Based on a preliminary inspection of the site, the electrical facilities <u>may</u> require upgrading to meet the demand of the proposed project. A system impact assessment maybe required to determine the effect of this facility on GPA's existing power distribution system. The applicant will be responsible for the cost of any required system upgrade.



## **GUAM WATERWORKS AUTHORITY**

Gloria B. Nelson Public Service Building 688 Route 15, Mangilao, Guam 96913

**MEMORANDUM** 

October 12, 2017

TO:

FROM:

Miguel C. Bordallo, P.E., General Manager

SUBJECT: Position Statement on Tentative Subdivision Application No. 2017-

44 for Lot 5-R4, Tract 31002, in the Municipality of Agat.

Michael Borja, Director, Department of Land Management

APPLICANT(S): Jupiter Juno Co. Ltd.

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a tentative subdivision application approval for the proposed construction of thirty-one (31) single-family dwelling units with full improvements, in an "R2" (Multi-Family Dwelling) zone.

This memorandum shall serve as GWA's position statement to the above zone tentative subdivision application related to availability of water and sewer infrastructures to serve the above subject lot. This position statement shall not be construed as notice that water and sewer systems have the capabilities to accommodate the proposed development including fire flow without on-site or off-site improvements. Any extension of the water and sewer systems and/or capacity upgrades required to serve the property shall be subject to the rules and regulations of GWA. Any required extension to the existing facilities to serve the subject properties shall be at expense of the applicant.

Given the information provided in the application and field observations, the following comments are conditions for GWA's position in favor of the approval of this tentative subdivision application:

- 1. The applicant must provide GWA with site development plans to construct the proposed development. The site development plans must illustrate the proposed point of connection for water and sewer and is subject to GWA inspection and approval. Submittals shall include water and sewer design calculations and complete drawings and specifications. Design calculations shall include proposed water demand calculations including fire-flow and sewer production calculations.
- GWA requires the applicant to coordinate with the GWA Engineering Department at least six months prior to building permit application submittal. Discussions shall include the proposed water demand and sewer production calculations in

Bil8.1

Page 2
GWA Position Statement
ARC Application No. 2017-44
Applicant(s): Jupiter Juno Co. Ltd.

order to determine if existing facilities can accommodate the proposed development and if any off-site infrastructure improvements may be necessary. Offsite utility available capacity may not be sufficient to serve the proposed development. The water system capacity is a concern, given the proposed project's density and elevation.

3. If off-site water and sewer infrastructure improvements are installed by the developer, they will require prior approval from GWA, must meet GWA standards, be constructed in the public easement or right of way, and shall be subject to inspection by GWA. GWA's approval of the occupancy will be contingent upon the completion of offsite improvements.

Any infrastructure improvements will be at the expense of the applicant, including any required land acquisition to construct utility improvements. The developer shall register maps and documents for new public rights of way or utility easements with the Department of Land Management and provide copies to GWA.

- 4. Developers and subdivision owners who have installed water and/or wastewater pump stations whose sole purpose is to serve only the proposed development or subdivision, and consequently have no excess capacity to serve customers beyond the boundaries of said development or subdivision, shall be required to maintain their own pump station(s) and force main(s) in proper working condition to the satisfaction of GWA.
- 5. A construction manager hired by the developer shall oversee water and sewer infrastructure construction. A quality control document containing construction records and pictures shall be provided to GWA, to document construction practices and installed materials. GWA shall be provided with construction schedules, so that inspections may be conducted during construction.
- 6. GWA water meters must be installed in a public right of way or easement. If there is no public right of way or easement within the subdivision, then a master water meter shall be installed on the public right of way or easement near the entrance to the subdivision. All water and sewer utilities downstream of the master meter shall be the developer's responsibility to maintain and operate.

If there will be a public right of way or easement through the subdivision and the developer intends to request that GWA assume ownership of the subdivision's water and sewer utilities, then GWA must have 24-hour access to utility rights of way/easements. GWA must approve the access method to the subdivision, the developer shall register the appropriate documentation (such as a utility grant of right of way) with DLM.

Page 3
GWA Position Statement
ARC Application No. 2017-44
Applicant(s): Jupiter Juno Co. Ltd.

- 7. Backflow prevention devices are required for non-residential activities, swimming pools, or when a development will be served by a master meter.
- 8. New development is subject to water and/or sewer system development charges.
- 9. Privately-owned water tanks might be limited to a maximum fill rate to avoid adverse impacts to the public water system.
- 10. Sewer load discharges to the public sewer system might be limited to certain times of day at certain rates to avoid adverse impacts to the receiving public sanitary sewer system.
- 11. Certain activities are subject to sewer pre-treatment requirements. Grease traps or interceptors are required for food service establishments. Oil-water separators are required for vehicle maintenance activities.
- 12. Only wastewater shall be discharged to the sanitary sewer system. Storm water, pool water, and pool backwash water discharge to the sanitary sewer system is prohibited.
- 13. After a GWA utility service account is opened, the account holder is responsible for informing GWA of onsite activity changes that may affect the account's classification and utility service requirements. Activity changes include, but are not limited to, laundry, food service, and vehicle maintenance activities.

This GWA Position Statement shall remain valid for 365 calendar days from the date of this response. Please contact GWA Engineering Division regarding water and sewer system improvement design and construction standards and procedures. For additional information please contact Mauryn McDonald, P.E., Permits and New Area Development Supervisor, at 300-6054.

## **IGNACIO F. SANTOS**

Land-Use Consultant P.O. Box 651 Hagåtña, Guam 96932

Suite 201, Guam United Plaza, Hagâtña, Tel: (671) 646-0629 Cell: (671) 777-3862 email: ifsplannerd@yahoo.com

January 30, 2018

Mr. Michael Borja
Acting Executive Secretary
Guam Land Use Commission
% Planning Division
Department of Land Management
Government of Guam
P.O. Box 2950
Hagatna, Guam 96932



Ref: Supplemental Information - Application No.2017-44

Dear Mr. Borja,

This letter is in response to the comments and concerns raised at Application Review Committee Hearing of September 7, 2017, pursuant to an application for a Tentative Subdivision for 30 single family lots with improvements on Lot 5-R4 in Agat. The following is a list of concerns followed by a response.

Outline of project boundaries.

See attached map showing project boundary in red.

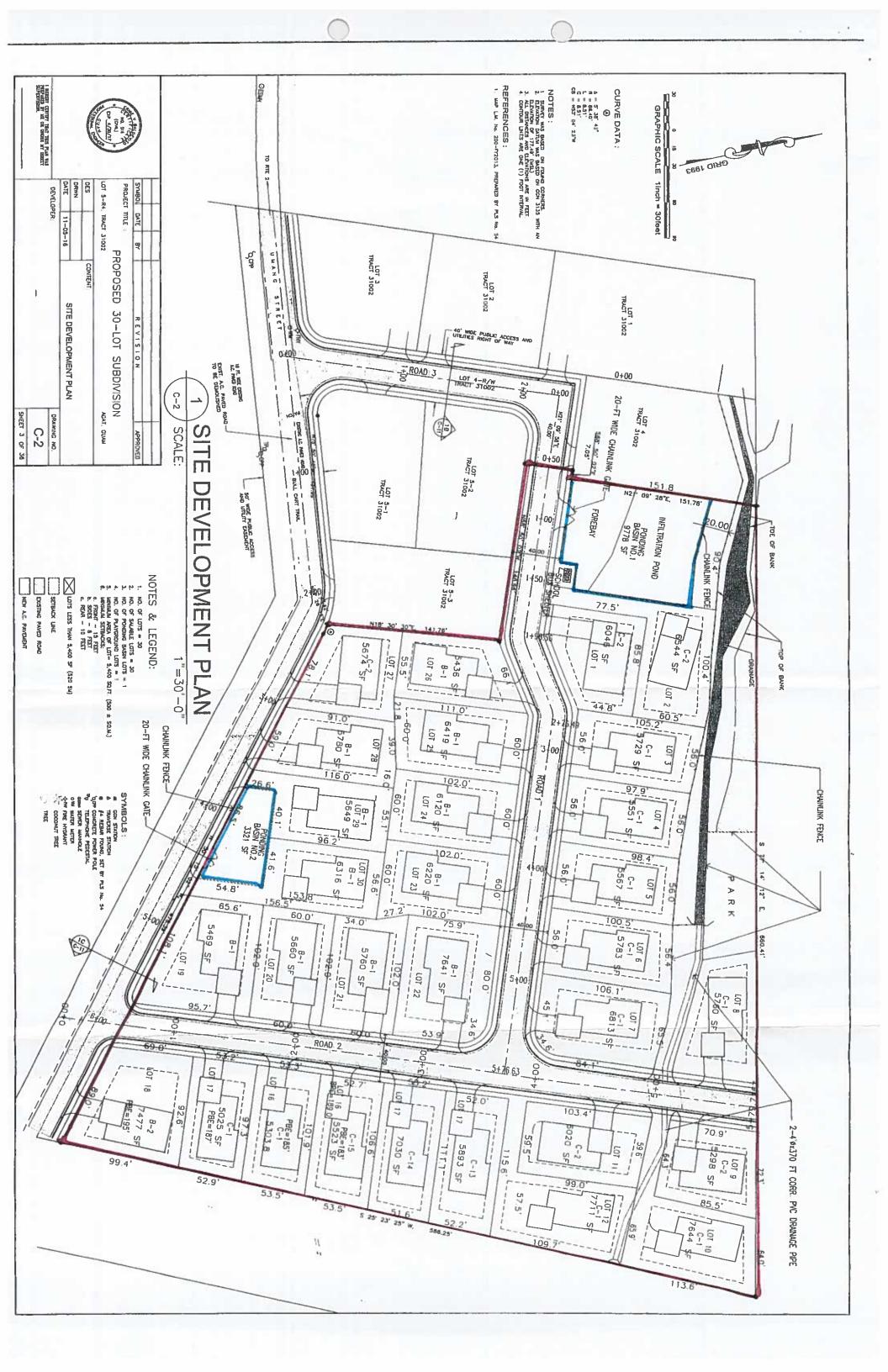
Relocate proposed location of ponding basin to protect existing watershed.

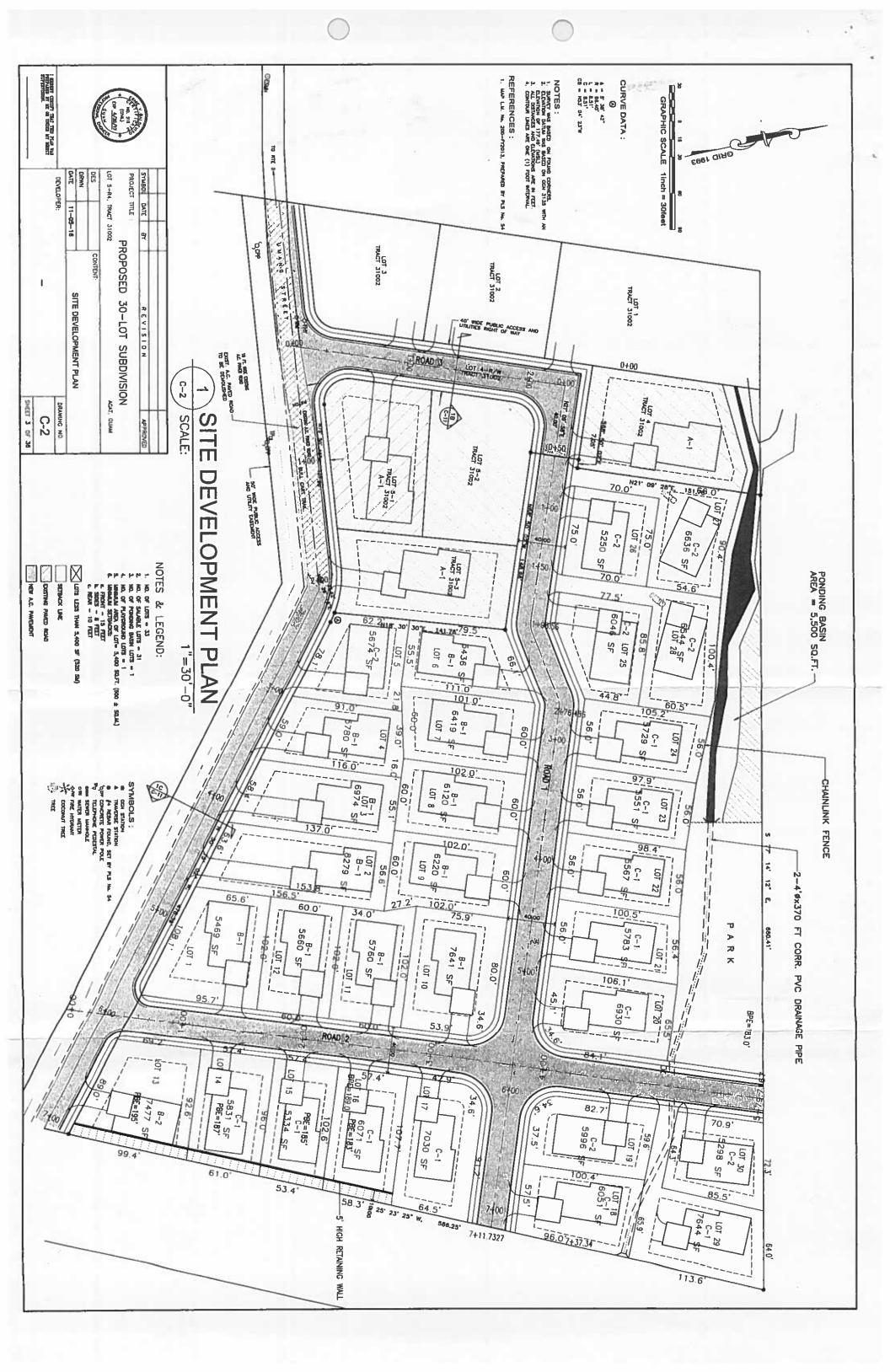
Located in attached map and outlined in light blue the new location of ponding basins.

 The other attached map is the original map as submitted. The ponding basin is located adjacent to the existing creek I request your attention on the above and enclosure and look forward on presenting this supplemental information to Guam Land Use Commission.

Si Yũus Mãasẽ

Ignacio F. Santos





#### ATTACHMENT E

## DIPĀTTAMENTON MINANEHAN TĀNO' (Department of Land Management) GUBETNAMENTON GUĀHAN (Government of Guam)



MICHAEL J.B. BORJA Director

DAVID V. CAMACHO **Deputy Director** 

Street Address: 590 S. Marine Corps Drive Suite 733 ITC Building Tamuning, GU 96913

Mailing Address: P.O. Box 2950 Hagátña, GU 96932

> Website: ://dlm.guam.gov

E-mail Address: dlmdir@land.guam.gov

Telephone: 671-649-LAND (5263)

> Facsimile: 671-649-5383





**EDDIE BAZA CALVO** Governor

RAY TENORIO Lieutenant Governor

January 12, 2018

#### Memorandum

To:

Chairman, Guam Land Use Commission

From:

Guam Chief Planner

Subject:

Staff Report - Forth (4th) Annual Renewal Request- Application

No. 2000-12B

- **PURPOSE:** The applicant, Reliable Builders, Inc., submits its Forth (4<sup>th</sup>) annual renewal request of its Conditional Use Permit approval for its Temporary Workforce Housing Facility (TWHF) on Lot 5160-6-3, Harmon, Municipality of Tamuning.
- LEGAL AUTHORITY: Title 21, GCA (Real Property), Chapter 61 (Zoning 2. Law) and Section 61303 (Conditional Use), Public Law 31-72.

#### 3. FACTS:

In its Notice of Action, dated October 14, 2011, Document No. 828333, Condition No. 3, where it states "That this initial approval shall be for Twenty Four (24) Months and therefore shall be renewed annually (Per Section 2(4)(A) of Public Law 31-72".

The subject application is a Housing Facility for Temporary Workers in a fully contained, thirty six (36) symmetrical three-bedroom residential units community to include existing elements for sleeping, toilet and shower facilities, laundry, cooking, security including fire/medical emergency response capability, recreational facilities, transportation services, on site storm water retention system, landscaping, a six (6) foot high perimeter fence and an in house set of Rules and Regulations that addresses security and safety practices, including other factors such as personnel access and exit procedures and personal/social code of conduct.

Continuation of Staff Report

Re: Forth (4th) Annual Renewal - Application No. 2000-12B

January 12, 2018

Page 2 of 2

The applicant submits its 4<sup>th</sup> annual renewal request. Other than the food vendor services, which is no longer provided, as food preparation is conducted by the workers within their unit, elements of the approved facility, persists to include the TWHF's house rules, medical plan, transportation plan, safety and security plan, housing facility management, recreation activities and landscaping are functionally existing as approved by the Commission, the applicant also provided responses to the conditions of the Commission's approval and included copies of current vehicle registrations and chauffer's licenses, a copy of DPH&SS Workers Dormitory and Sanitary Permits and photos of the complex.

On January 11, 2018 Planning Staff conducted a site visit of the approved TWHF and find that the facility is well kept, clean, volleyball/basketball elements are existing, landscaping in place, social pavilion w/exterior bar-be-cue pits still in place and on site gardening still exists. Mark Jorge with Reliable Builders was reminded that since the residents are now preparing their food within their units, to ensure that the fire evacuation maps and extinguishers are properly reviewed and maintained.

#### 4. RECOMMENDATION:

It is our position that the applicant's continuing coordination with the permitting agencies, finds that the applicant is complying to the conditions imposed; have been and continues to work with the appropriate government entities in adhering to said Agencies requirements and ensuring that best management practices are in place. In line with the above we recommend a favorable Commission review of the request with the following condition;

 That Applicant continues compliance to the Conditions as specified on the Notice of Action, dated October 14, 2011, filed under Document Number 828333.

Marvin Q. Aguilar

CASE PLANNER: F.P.TAITANO

Attachments: 10/13/11 & 11/29/16 Notice of Actions

Sand of Guden, Government of Guam  Department of Land Management Officer of the Recorder  901282
File for Record is Instrument No.
On the Year Month Day Time DE-OFFICIO
Receipt No
Daputy Recorder Jane Jamasaki
(Space above for Recordation)

## **IMPORTANT NOTICE - READ CAREFULLY**

"Pursuant to Section 5 of Executive Order 96-26, the applicant must apply for and receive a building or grading permit for the approved GLUC/GSPC project within one (1) year of the date of Recordation of this Notice of Action, otherwise, the approval of the project as granted by the Commission shall expire. This requirement shall not apply for application for Zone Change\*\*\*."

## **GUAM LAND USE COMMISSION**

COPY

Department of Land Management Government of Guam P.O. Box 2950 Hagatña, Guam 96932

## NOTICE OF ACTION

December 1 , 2016 Date

To: Reliable Builders Inc.
Represented by Daniel D. Swavely
P.O. Box 7536
Tamuning, Guam 96931

Application No. 2000-12B

The Gu	uam Land Use	Commission	, at its meeting o	n <u>Noveml</u>	<u>per 29, 2016</u> .	
<u>_xx</u>	Approved	/	Disapproved	/	Tabled	

Your request on Lot No. 5160-6-3, Harmon, Municipality of Tamuning for a:

NOTICE OF ACTION

Reliable Builders, Inc.

Represented by Daniel D. Swavely

Lot No. 5160-6-3, Harmon, Municipality of Tamuning

GLUC Meeting of November 29, 2016

Page 2 of 4

Application No. 2000-12B

ZONING	SUBDIVISION			
/ Zone Change***	/ Tentative			
XX / Conditional Use (Third Annual Renewal Pursuant to Section 61309(c), Chapter 61, Title 21, GCA)	/ Final			
/ Zone Variance	/ Extension of Time			
[ ] Height [ ] Use [ ] Density [ ] Other (Specify)	/ PL 28-126, SECTION 1(A)			
[ ] Office (Opecary)				
***Approval by the Guam Land Use Commission of a <u>ZONE CHANGE</u> <u>DOES NOT CONSTITUTE</u> <u>FINAL APPROVAL</u> but rather a recommendation to the Governor for his approval. Applicant shall be notified upon action taken by the Governor. [Reference 21 GCA (Real Property), Chapter 61(Zoning Law), Section 61634 (Decision by the Commission).]				
SEASHORE HOP	RIZONTAL PROPERTY REGIME			
SEASHORE HOF / Wetland Permit /	Preliminary			
	Preliminary Final			
/ Wetland Permit// Seashore Clearance/	Preliminary			
/ Wetland Permit// Seashore Clearance/	Preliminary			
/ Wetland Permit// Seashore Clearance/	Preliminary			
/ Wetland Permit/ Seashore Clearance/  MISCELLANEOUS/ Determination of Policy and/or	Preliminary			

## Application No. 2000-12B

NOTICE OF ACTION
Reliable Builders, Inc.
Represented by Daniel D. Swavely
Lot No. 5160-6-3, Harmon, Municipality of Tamuning
GLUC Meeting of November 29, 2016
Page 3 of 4

APPLICATION DESCRIPTION: The applicant, Reliable Builders, Inc., Pursuant to Section 61309(c), Chapter 61, Title 21 GCA, submits its Third (3<sup>rd</sup>) annual renewal request of its Conditional Use Permit Approval for its Temporary Workforce Housing Facility (TWHF) on Lot 5160-6-3, Harmon, Municipality of Tamuning.

COMMISSION DECISION: The Guam Land Use Commission accepts the applicant's Third (3<sup>rd)</sup> annual report and approves the renewal of its Conditional Use Permit with the condition that the applicant continues compliance to the conditions as specified on the Notice of Action dated October 14, 2011, filed under Document No. 828333.

Marvin Q, Aguilar Guam Chief Planner Doto

John Z. Arrayo

Date

12/16/16

Chairman

**Guam Land Use Commission** 

Case Planner: Frank P. Taitano

Cc: Building Permits Section, DPW

NOTICE OF ACTION
Reliable Builders, Inc.
Represented by Daniel D. Swavely
Lot 5160-6-3, Harmon, Municipality of Tamuning
GLUC Meeting of November 29, 2016
Page 4 of 4

l/We\_

Application No. 2000-12B

# **CERTIFICATION OF UNDERSTANDING**

(Applicant [Please print n	ame])	(Representative [Please print n	name])		
project within one (1) ve	t must be obear of the da	5 of Executive Order 96 tained for the approved Gate of recordation of this the project as grante	LUC/GSPC		
The Commission may quapproval period at the time	rant two (2) e of initial app	one-year extensions of proval.	the above		
This requirement shall not a	pply for applic	ation for a Zone Change***			
I/We, further AGREE and AC Action and further AGREE T attached to this Notice of Actio Commission or from the Guam	O ANY AND	ALL CONDITIONS made a	manual for the		
Signature of Applicant Da	ate	Janual Asukush Signature of Representative	12/19/16 Date		
ONE (1) COPY OF RECORDED NOTICE OF ACTION RECEIVED BY:					
Applicant	Date	Representative	Date		

	Island of Guart. Gavernment. ( )  Department of Land Management Differ of the Moder for
	The for Faccoid is incomment No. 828333
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## **IMPORTANT NOTICE - READ CAREFULLY**

"Pursuant to Section 5 of Executive Order 96-26, the applicant must apply for and receive a building or grading permit for the approved GLUC/GSPC project within one (1) year of the date of Recordation of this Notice of Action, otherwise, the approval of the project as granted by the Commission shall expire. This requirement shall not apply for application for Zone Change\*\*\*."

## **GUAM LAND USE COMMISSION**

Department of Land Management Government of Guam P.O. Box 2950 Hagatña, Guam 96932

## NOTICE OF ACTION

October 14, 2011 Date

To: Reliable Builders Inc.
Represented Daniel D. Swavely
P.O. Box 7536
Tamuning, Guam 96931

Application No. 2000-12B

Tamuning, Guam 96931		
The Guam Land Use Commission, at its	meeting on October	<u>13, 2011</u> .
/ Approved/ Disapproved	XX / Approved v	vith Conditions
/ Tabled		
Your request on Lot No. 5160-6-3. Harm	on. Municipality of T	amuning for a

NOTICE OF ACTION
Reliable Builders, Inc.
Represented by Daniel D. Swavely
Lot No. 5160-6-3, Harmon, Municipality of Tamuning
GLUC Meeting of October 13. 2011
Page 2 of 4

Application No. 2000-12B

ZONING	SUBDIVISION
Zone Change***	/ Tentative
XX/ Conditional Use / Zone Variance	/ Final
[ ] Height [ ] Use [ ] Density [ ] Other (Specify) [ ] Setback  / TENTATIVE DEVELOPMENT PLAN	/ Extension of Time/ PL 28-126, SECTION 1(A)
	_
***Approval by the Guam Land Use Commission of FINAL APPROVAL but rather a recommendation to the be notified upon action taken by the Governor. [61(Zoning Law), Section 61634 (Decision by the Com	e Governor for his approval. Applicant shall Reference 21 GCA (Real Property), Chapter
SEASHORE / Wetland Permit / Seashore Clearance  MISCELLANEOUS / Determination of Policy and/or	ORIZONTAL PROPERTY REGIME  / Preliminary  / Final  / Supplementary (Specify)

NOTICE OF ACTION
Reliable Builders, Inc.
Represented by Daniel D. Swavely
Lot No. 5160-6-3, Harmon, Municipality of Tamuning
GLUC Meeting of October 13, 2011
Page 3 of 4

Application No. 2000-12B

APPLICATION DESCRIPTION: The applicant. Reliable Builders, Inc., represented by Mr. Daniel D. Swavely is requesting approval of their Condition Use request to convert an existing 36-unit townhouse complex into a Temporary Workforce Housing Facility on Lot 5160-6-3, Harmon, Municipality of Tamuning.

<u>COMMISSION DECISION:</u> The Guam Land Use Commission <u>APPROVED</u> the applicants request subject to the following conditions;

- 1. That the applicant, adhere to the ARC conditions and requirements as stipulated on their official Position Statement; and
- 2. That when actual operations begin and a new and improved procedures and measures are implemented that these amendments must be incorporated and made a part of the Workforce Housing Facility Rules and Regulations document; and a copy be provided to Planning Division, Department of Land Management.
- 3. That this initial approval shall be for Twenty Four (24) Months and therefore shall be renewed annually (Per Section 2(4)(A) of Public Law 31-72); and
- 4. That there shall be no changes to the approved Conditional Use Permit unless subjected before the ARC review and GLUC approval; and

That the applicant present to the Guam Land Use Commission a 6 month status report.

Marvin Q, Aguilar

Acting, Guam Chief Planner

10-14-2011

Date

Jay L. Lather

16 -2(-1/ Date

Chairman

Guam/Land Use Commission

Case Planner: Frank P. Taitano Attachment(s): ARC Distribution List

Cc: Building Permits Section, DPW (Attn: Mr. Jesus Ninete)

NOTICE OF ACTION
Reliable Builders, Inc.
Represented by Daniel D. Swavely
Lot 5160-6-3, Harmon, Municipality of Tamuning
GLUC Meeting of October 13, 2011
Page 4 of 4

Application No. 2000-12B

# **CERTIFICATION OF UNDERSTANDING**

(Applicant [Please print no	ERS INC.	(Representative [Please print name])				
Understand that pursuant to Section 5 of Executive Order 96-26, that a building or grading permit must be obtained for the approved GLUC/GSPC project within one (1) year of the date of recordation of this Notice of Action, otherwise, the approval of the project as granted by the Commission shall expire.						
The Commission may grant two (2) one-year extensions of the above approval period at the time of initial approval.						
This requirement shall not a	pply for applic	ation for a Zone Change***				
Action and further AGREE 1	n as mandated	nditions above as a part of the Notice of ALL CONDITIONS made a part of and I by the approval from the Guam Land Use tection Commission.	ſ			
Signature of Applicant Da	73/36 // ate	Signature of Representative Date	2]			
ONE (1) COPY OF RECORDED NOTICE OF ACTION RECEIVED BY:						
Applicant	Date	Representative Date				

#### ATTACHMENT F





MICHAEL J.B. BORJA Director

DAVID V. CAMACHO **Deputy Director** 

Street Address: 590 S. Marine Corps Drive Suite 733 ITC Building Governor Tamuning, GU 96913

Malling Address: P.O. Box 2950 Hagátña, GU 96932

> Website: n://dlm.guam.gov

E-mail Address: dlmdir@land.quam.gov

Telephone: 671-649-LAND (5263)

> Facsimile: 671-649-5383



**EDDIE BAZA CALVO** 

RAY TENORIO Lieutenant Governor

January 8, 2018

MEMORANDUM

To:

Chairman, Guam Land Use Commission

From:

Guam Chief Planner

Subject:

Commission Brief - Request for Amendments to Leo Palace Resort's Approved PDD Master Plan, Tract 2511, Municipality of

Yona

The applicant Leo Palace Resort represented by Mr. Dan Swavely, is requesting to amend the existing Leo Palace Resort's PDD's (Planned District Development) Master Plan to permit the continued operation and upgrade of the existing Japan Aerospace Exploration Agency (JAXA) Guam Downrange Tracking Station located on a 5,418 square meter portion of Phase 2 of Tract 2511, leased by Sky Properties Corporation, a Guam corporation.

On June 14, 2001 the Guam Land Use Commission approved a Zone Change Application by Sky Properties Corp. for the development of the existing Downrange Tracking Station with a condition of approval up to a period of twelve (12) years. expiring on June 14, 2013.

This technical amendment request follows two other previous Commission approvals: that the intend is not to change the designated zone of the Downrange Tracking Station site, but to request for approval to continue the use and upgrading of the existing Tracking Station.

The PDD was approved in 1988 to accommodate facilities for hotel, golf, sports and residential development throughout a 1,000 acre site and as noted by the applicant on its two previous amendment requests, that, since the PDD was approved Leo Palace Resort has built and retained status as a top tourism, sports, hotel and residential destination and that the overall balance of its approved uses in 1988 remains intact.

Commission Brief – Leo Palace Resort Tract 2511, Municipality of Yona January 8, 2018 Page 2

Considering that, other than its failure to renew the Guam Land Use Commissions' approval in 2013, SKY Properties Corporation has always maintained its legal status on Guam and appropriately maintained its facility and activities to promote the protection of the public's health, safety and general welfare. We have concluded that the continued existence of the facility will not have any negative adverse impact to the surrounding uses either inside or outside of Leo Palace's master plan and thus inclined to support the applicant's request and recommend the Commission's favorable consideration.

Marvin Q. Aguilar Guam Chief Planner

Attachment: Request Package